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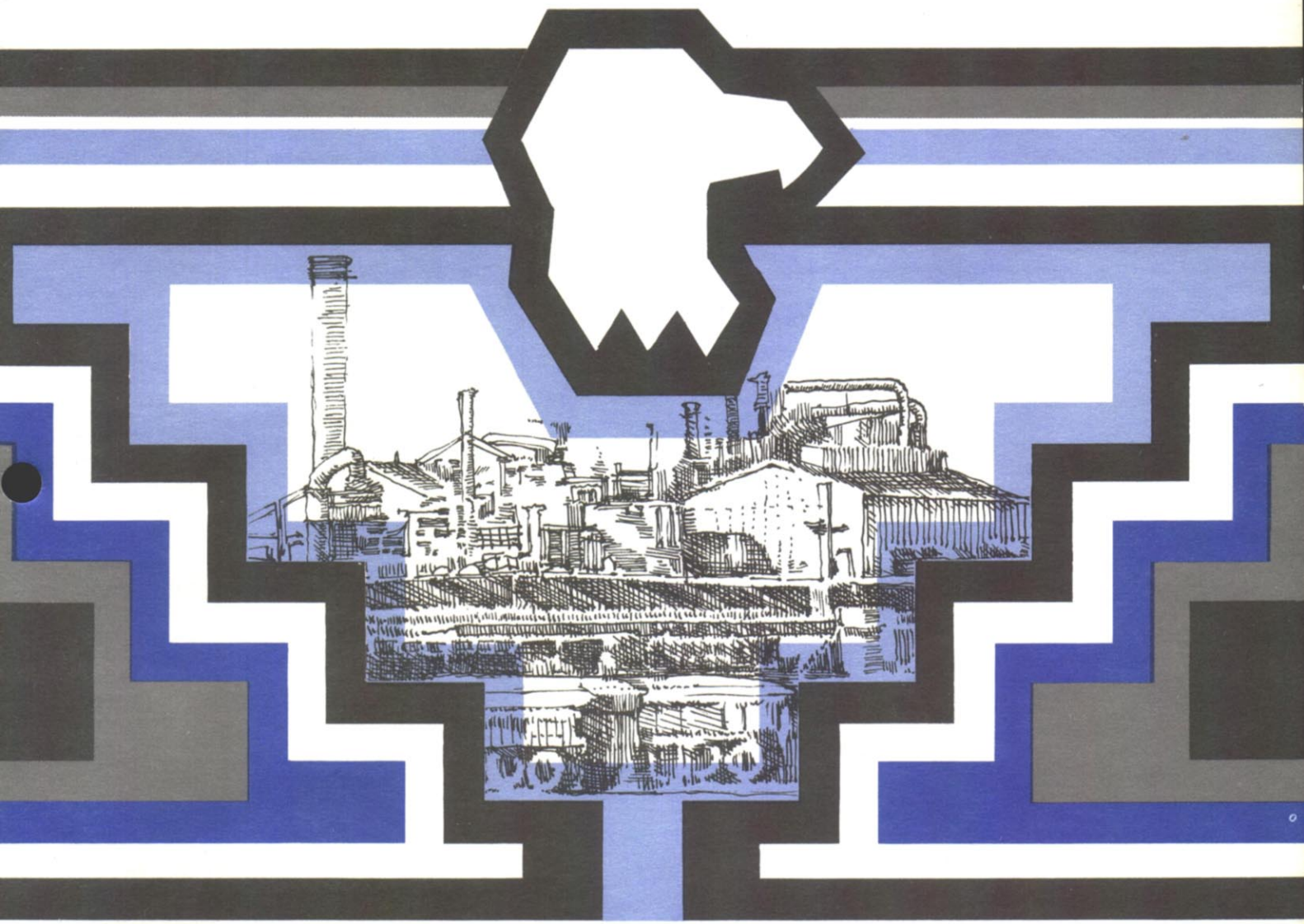
THE MONTHLY ANALYSIS OF STATE GOVERNMENT AND POLITICS



THE BITTER HARVEST

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A PERSONAL PERSPECTIVE...

By Ed Salzman

Keeping the bucks passed

Based on what Governor Brown has proclaimed about the salaries of Californians with self-satisfying jobs, he should have vetoed the 10 percent pay raise the Legislature voted for itself. But the Governor was frank: How could he expect to get along with the 120 men and women upstairs for the next three years if he had taken away a pay raise that was smaller in percentage than what had been given state employees?

Legislators are hungry for dollars. They would have reacted viciously had the Governor prevented the salary level from reaching $23,232 in December 1976. They could not have overridden the veto because of the practical politics involved.

Why do lawmakers now seem to care more than ever about a relatively small amount of money? The answer is that the political reform movement has cost them dearly in the pocketbook. Examples:

- They no longer can be the legal beneficiaries of lobbyist largesse.
- Campaign funds are tighter than ever.
- The expense records covering automobiles, telephones and the like have been opened to public inspection.
- Most significant of all, the hitherto tax-free $30-a-day expense allowance (per diem) is under attack from the Internal Revenue Service.

The $2,112 increase won't nearly balance the losses from these sources, and the per-diem problem is the most pressing from a legislator's point of view. Lawmakers get $210 a week, tax free, when they are in session. That's about $7,500 a year — the equivalent of roughly twice that amount in taxable income.

The IRS is challenging the tax-free status of per diem because it does not remunerate legislators in many cases for room-and-board expenses they must bear while away from home. Most lawmakers have their residences in Sacramento and maintain only token addresses in their districts. For them the $210 a week is a bonanza, and it should be taxed. (Other lawmakers still maintain their families in their districts and do commute to Sacramento for legislative business.) Legislators have thrown money into a kitty to hire a lawyer to convince IRS that per diem should remain tax free.

With all the publicity about legislative remuneration in recent years, the Legislature is getting gun-shy about taking more for itself. It is forming a commission to study the problem of legislative benefits. The obvious product of this commission will be a finding that these matters should be resolved by a permanent, independent commission replacing the present system under which the decisions are made by the voters, the Legislature and the governor.

This commission plan, which has been under discussion by legislative leaders for several years, would allow lawmakers to get pay raises without political heat. And the cap would presumably be off the present 5-percent-a-year limitation in the state Constitution. It is difficult to envision the creation of a commission that would recommend elimination of benefits or a reduction in pay. It would take a propaganda campaign of mammoth proportions to convince the skeptical public that the current system, imperfect as it is, should be changed.

California Journal

THE MONTHLY ANALYSIS
OF STATE GOVERNMENT AND POLITICS

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UP FRONT

Senator John Tunney ought to be worried about the proliferation of Democratic presidential candidates and the fact that no one in the field has caught the fancy of the state's political activists. Where is the George McGovern or Robert Kennedy to fire the imagination of these workers who win Democratic primary elections? Tunney's pal, Ted Kennedy, might fill the bill, but he's at least temporarily out of the running. What this means is that there is a tremendous pool of political energy waiting to be tapped by someone. If the presidential primary is to be ignored, the most likely way this energy will be expended is on behalf of Tunney's opponent, Tom Hayden. The challenger's biggest problem is a reputation as a wild-eyed radical. But the Hayden who has been stumping the state hard this year comes across much more personable and cool than his Chicago 7 image.

Squeaky Fromme's presidential assassination attempt was just what the doctor ordered for Vincent Bugliosi, the Charles Manson prosecutor, who plans to run for Los Angeles district attorney. Bugliosi, author of a book on Manson, was interviewed by almost everyone in the media on Squeaky's background. As a candidate, the publicity would have cost $1 million.

Tim Cohelan, field representative for Senator Alan Cranston, is eyeing Bob Wilson's Assembly seat in San Diego County. Cohelan is the son of former Congressman Jeffery Cohelan of Berkeley. (And his Aunt Shirley is married to Bob Burton, brother of Congressmen Phil and John.)

Look for the Legislature next year to clamp down on how local governments dispose of solid and liquid waste. Cities and counties were given three years to come up with plans to solve the disposal problem, and legislative experts in the field are giving local government flunking grades.

Treasurer Jesse Unruh has come up with a catchy name for Governor Brown's two appointees on the Public Utilities Commission, Robert Batinovich and Leonard Ross — "Batman and Robin".

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ROSTRUM

Our Policy. *With this issue, the* **Journal** *is instituting a page for comment from readers. This will not, however, be the traditional letters-to-the-editor feature. We will not print letters complimenting us on our work or nitpicking articles by contributors. We will print* **short** *letters pointing out significant viewpoints that may have been omitted or raising major issues in state government and politics that we have not treated. The rostrum is yours.*

THE EDITORS

No neon lights or novelty stores

The generally well written article concerning the various studies over the future of Yosemite National Park ["Curbing creeping urbanism in the gem of the Sierra," *CJ*, September 1975] contains several inaccurate statements, but most distressingly injects an unwarranted tone of emotionalism. . . . For instance, rather than referring to Yosemite as containing the "trappings of the city — neon lights, beauty shops, banks, novelty stores, and supermarkets," we should point out that there are no neon lights or novelty stores in the Park. There are modest gift shops as contained in all National Parks, as well as medium-to-small grocery stores to serve the needs of visitors and campers; there is even a small bank and during the summer season a combination, one-person beauty parlor and barber shop. In our opinion the above quote from your article gives the impression that the "trappings of the City" are much more extensive and crass than they are or need be.

Far from being in danger of imminent destruction as the article implies, we believe that Yosemite Valley is more attractive today than at any time in recent history. Automobile use in portions of the valley has been totally eliminated and visitors in the valley generally abandon their cars in favor of the free shuttle bus (which Yosemite Park and Curry Company initiated with its own funds). These improvements, as well as the elimination of the "fire-fall", the regulation of camping in designated campsites, and the restriction of back-country use to the permit system have greatly reduced the visitor impact on Yosemite.

Whereas the record of deteriorating facilities in some other National Parks is due to underfinanced concessioners, or concessioners unable to make the necessary investment to maintain a high caliber of facilities, we have made greater investments in capital improvement and maintenance than our predecessors and have actually put all of our profits, and then some, back into the park . . . .

Horace Albright, the second director of the National Park Service, who lived in Yosemite during the 1920s and hiked in the park as early as 1904, stated in written testimony submitted before Congress this year:

It is time for people of California and the whole nation to know that Yosemite Valley's natural features have suffered no impairments whatever, . . . to understand that it is as beautiful as it ever has been since it was first visited by white men well over 100 years ago . . . .

In short, while we feel it is essential that the future of Yosemite be carefully studied and planned so as to preserve it intact for future generations, it does not assist those conducting and participating in such studies to fill the public's minds with simple slogans and over-simplified charges that are unsupported by the facts . . . .

EDWARD C. HARDY
Chief Operating Officer
MCA Recreational Services

Dymally's comments on Medi-Cal charge

In your September 1975 issue of *California Journal*, your article "Judging Dymally" reported that "The business [Batik Wine Company] wound up getting a state contract to operate a prepaid health plan for Medi-Cal patients. . . ."

The above statement is wrong, as a check of state records will indicate. This misconception arose out of a 1972 article published by the *Los Angeles Times*, an article full of insinuation and innuendo and dealing with a health-care firm operating in Los Angeles in the early 1970s.

At no time did Batik Wine Company, or its successor, Comprehensive Health Care, receive any state contract. Since 1972, the *Los Angeles Times* and the author of the article, Bob Fairbanks, have succeeded in giving the media and the public the impression that I was involved in securing a contract for Comprehensive Health Care.

I was not involved in such an effort, and Comprehensive never received any such contract. Mr. Fairbanks, by his own admission in my office, in the presence of another *Times* reporter earlier this year, admitted that he found no evidence of my involvement with state health-plan contracts in a follow-up investigation of the Department of Health. At that time he said, "You can be assured that if I had found you, the story would have been on the front page." Yet, since 1972, he regularly includes my name in a critical way whenever he writes on Medi-Cal or state health plans.

The tragedy was that the department gave the contract to two large corporate health-care firms, to operate in Watts. The Black doctors, along with Black members of the Legislature, protested in vain. We predicted then that this would destroy the health-care-delivery system in south-central Los Angeles, and ruin the effectiveness of prepaid health care. How prophetic we were!

Despite the fact that the Department of Health stated that I had nothing to do with any contract, and that the attorney general's office and the legislative counsel's office said there was no conflict of interest, the *Times'* story continues to crop up, even in a reliable publication such as the *California Journal*.

MERVYN A. DYMALLY
Lieutenant Governor

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With the war won, what about the peace?

By Bruce Keppel

Harvest time in California rolls through the year on its own calendar. As autumn arrives, the row crops ripen in the San Joaquin Valley and the tomatoes hang heavy on Yolo County vines. As October fades, the hands head north into the valleys of Napa and Sonoma counties to pick the prized vineyards. Then, in December, they head south again to help Imperial County growers gather the season's bounty.

The agricultural calendar is bringing something new this year with each successive harvest period. With the advent of the Agricultural Labor Relations Act on August 28th, California's fields are to be worked under rules and conditions and at rates of pay to be determined through collective bargaining. So far, however, it has been a bitter harvest — for the growers and also for the workers whose loyalties are being, for the first time, courted by labor and management representatives.

Geared to harvest time

The new act, which also created the Agricultural Labor Relations Board to carry out its provisions, specifies that labor-representation elections must be held under certain conditions — and these amount to times of peak harvest, when a grower has the largest number of workers deployed in the fields. That's why the confrontations came first in the San Joaquin Valley and Yolo County. And that's why the scene is shifting now to the northern vineyards.

Dissatisfaction and distrust are heavy on all sides. The growers consider the new board, whose five members were hastily appointed by Governor Brown, to be biased in favor of the United Farm Workers of America, AFL-CIO. (The act does not specify the members' qualifications.) The UFW evolved from the efforts of the followers of Cesar Chavez to bring organizational strength to the migrant workers, many of whom labored under the additional handicap of understanding neither their English-speaking bosses nor north-of-the-border law. The UFW, on the other hand, has charged the board with favoring the growers and the rival union, the Teamsters, by not investigating quickly enough complaints of unfair labor and election practices. And the Teamsters return the bitterness, especially toward the board and the UFW.

No one appears satisfied with the way the new act has been translated from words into actions, except possibly — at least, publicly — Governor Brown, who intervened last spring late in the years-old confrontation and forced the hard bargaining that produced the precedent-setting law. And the Governor's attitude is a shrug. The board, he said, has had to deal with "unprecedented elections under unprecedented conditions". The bitter recriminations, he continued, raise "the question of the limits of government in terms of expectation." Finally, he observed, a piece of legislation could hardly be expected to "resolve the disputes of decades".

Bitter tradition

As in industrial unionization, the entry of organized labor into the farmlands of California has come neither suddenly nor without pain and bitterness. In fact, it was the unwillingness of "establishment" labor to move among the migrant farm workers that gave rise to Cesar Chavez's movement. The Teamsters were not in the fields, originally, but had represented warehouse and cannery workers — an extention of the union's traditional coverage of workers on wheels. Chavez's boycott tactics, with lettuce and grapes, was something new to agriculture and they were invoked in the absence of any

Background reading

The *Journal's* coverage of the farm-worker situation is contained principally in the following articles: "Initiative makes a big comeback" [an analysis of Proposition 22, the grower-backed agricultural labor relations initiative rejected by the voters in November 1972], August 1972; "Prospects dim for farm-labor legislation despite bloodshed in three-sided conflict," September 1973; and "Brown's farm-labor coup," June 1975.

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What the new law means

The primary aim of the California Agricultural Relations Act, as interpreted by the board created to implement it, is to provide the state's estimated 240,000 farm workers with a free choice in union representation and to shield them from intimidation on the part of unions, growers or other groups.

Representation elections. Farm workers vote in secret elections supervised by the state Agricultural Labor Relations Board to determine which union, if any, they want as bargaining agent. Once the board certifies a union as exclusive bargaining agent, the union has, generally, one year to negotiate a contract.

Secondary boycotts. Boycotting firms not primarily involved in a farm-labor dispute is permitted under certain conditions and basically only as a collective-bargaining tool and not to force recognition of a particular union.

Coverage. A union wins the right only to represent a specified group of farm workers at a particular ranch or group of ranches owned by one entity. Elections are held after one union obtains authorization cards from a majority of the peak work force. The union may then petition the board for an election. If a second union collects cards from 20 percent of the force, it too will be listed on the ballot.

Existing contracts. The law states: "No collective bargaining agreement executed prior to the effective date of this chapter [August 28, 1975] shall bar a petition for an election." Such contracts can thus be challenged by a rival union under the procedures specified.

Union shop. The practice of requiring a worker to join a union after it wins a contract is permitted, subject to contract negotiation between union and grower.

Illegal aliens. In practice, the board allows illegal aliens to vote in elections since the law makes no mention of them and both competing unions favor the practice.

Unfair labor practices. The law forbids unfair labor practices by either unions or growers. Unfair practices include firing employees for union activity, threatening bodily harm or more inferior living conditions, and illegal campaigning.

Source: ALRB

of the legalized weapons of industrial workers in dealing with their employers.

The UFW's affiliation with the AFL-CIO, it can be recalled, was hardly automatic and assured; like everything else Chavez has obtained, the support of organized labor had to be won the hard way. But once won, the farm workers had an important ally in the competition with the Teamsters. The AFL-CIO last month, for example, dispatched a team of investigators to look into allegations of unfair practices under the act and of unresponsiveness to them by the board.

Given the bitterness underlying the struggle for field-workers' rights, the legislative victory created a feeling of euphoria within the UFW. Yet, despite the magnitude of that achievement, all the law does really is to set out the legal conditions under which the now-legitimatized struggle is to continue.

With the new act's effective date of August 28th, the newly named board had less than a week to prepare to conduct the first of the secret representation elections on September 2nd. By the end of its first month of existence, the board had had to run more than 200 elections and at least that many complaints had been filed. The magnitude is an important point, as is the lack of time to organize an agency without precedent. The quick hiring that was necessary turned up some personnel whose qualities were no match for the work, and Chavez's protests in Salinas led to the dismissal of a regional director.

Heavy caseload

The new board took on 91 employees during that first month; three were required to conduct each election, and one office alone ran 17 elections in a single day. (As Brown observed, it was "unprecedented".) But investigating complaints, holding hearings on contested ballots and issuing findings is more time-consuming than counting ballots — as crucial as enforcement of the law is to fair representation. Said the board's general counsel, Walter Kintz: "I think that there's no question that there's a great deal heavier caseload than we anticipated and than we had the staff to deal with."

The inability to deal with the caseload drew fire on Kintz, whom Chavez branded as "evil". On September 15th, Chavez called for Kintz's ouster and, as the pressure mounted in the next month, reports surfaced of dissension on the board itself. The Governor even dispatched an aide, Llew Werner, to look into the relations between Kintz and the board. To Kintz, the attacks were no great surprise. "It is my responsibility," he said, "to administer the act. I'm on the front line."

By October, however, he had hired 10 additional investigators and attorneys to work on complaints and was predicting "a big breakthrough" in the board's ability to handle complaints arising out of upcoming elections.

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Meanwhile, the board's initial budget of $1.3 million, authorized by the Agricultural Labor Relations Act, was rapidly disappearing, and Chairman Roger Mahony estimated that another million dollars would be necessary to make it through next June. "It's either that," said Kintz, "or go out of business".

Nonetheless, the first two months have been marked by charges and countercharges reported in the state's newspapers almost daily. Aside from complaints about the board's bias toward one side or another and creation of its investigative force, there were these events:

The grower-dominated Board of Agriculture called on the Legislature to investigate the Agricultural Labor Relations Board's implementation of the new act.

Two San Joaquin Valley ranch firms — Tex-Cal Land Management and Pandol & Sons — filed identical $32-million suits in both Kern County and Tulare County superior courts — four suits in all totalling $128 million — seeking relief from UFW "harassment" and practices detrimental to their business. (Jack Pandol, one of the principals in the legal action, is a member of the state Board of Agriculture and seconded the motion to ask the lawmakers to investigate the act's implementation.)

The Teamsters picketed the ALRB's Fresno office to protest the board's actions.

The UFW picketed the board's Sacramento headquarters to protest the board's actions (and inactions).

The board issued a rule requiring growers to open their property to union organizers for three specified hours (one hour before work, during lunch and after work).

Tulare County and Fresno County superior courts waived the board's rule on the ground that state laws governing private-property rights have precedence. A Santa Cruz County court, however, upheld the board's rule, and the state Supreme Court sustained the board's position pending the high court's definitive ruling on the constitutional points raised.

What has happened since August 28th is that the uncontrolled actions of the UFW, Teamsters and growers in California's fields came under a new and complex law that is being implemented by a board and staff that could in no way be prepared for the avalanche of work thrust upon it. The interested parties are struggling under the new constraints, and their impatience and tension mounts as the election results continue to be disappointing to them. The first month saw the relative handful of workers virtually split between the competing unions, but the returns are far too fragmentary to give anything but wishful readings of the outcome of a first year's attempt at organizing a quarter of a million workers.

Meanwhile, the peppering of controversy has encouraged a rising level of rhetoric as the harvest of elections continues abundant. Chavez's depiction of Kintz as "evil" was at least matched by Jack Pandol's apostolic comparison regarding the UFW leader. ("Christ," said Pandol, "had 12 apostles, but Chavez has taken over California with six apostles — the five members of the ALRB and one Governor Brown.")

Rough road

Such words have hardly eased the transition from chaos to something resembling order. But the board has recently been able to step up somewhat its handling of complaints of unfair practices. And the board's initial findings have so far corroborated what the organizers have been charging — up to and including threats of death on the part of some growers' representatives. "Workers rights *have* been violated," Kintz said. "There is very substantial evidence of violations [of the act], and they will be prosecuted."

So far, there's not much more to go on, on that score, than the general counsel's word — and that's not highly regarded, at this point, by the partisans involved.

As the harvests move up and down California's valleys, elections will continue to be held and the provisions of the new act will undergo further testing. Kintz suggests waiting six months to a year before passing definitive judgment on the Agricultural Labor Relations Board's performance in carrying out the new law. Meanwhile, it is worth recalling that before August 28th nothing stood between the farm workers and their employers to shape their relationship within legal limits. While modification of those limits may become necessary, the major battle, if not the war, has been won. It's peace that remains to be secured.

The workers and their choices

A lot of coverage in the first weeks of operation for the new Agricultural Labor Relations Board has displayed the election results almost as a sort of sporting event. There is some symbolic value in the contests, and nowhere more clearly than at the E & J Gallo Vineyards in Modesto where, as a matter of fact, the number of field workers (as opposed to warehouse workers) is relatively small — Gallo buying most of its grapes from other growers. Gallo, however, is the symbol of the *Chavista* cause and much attention was focused on the contested election there, which was the subject of ALRB hearings last month.

But keeping in mind that some 240,000 workers are subject to the new law, the results in 218 elections held as of October 14th are obviously anything but indicative:

Elections won: UFW 103 and 13,841 votes; Teamsters 80 and 7,908 votes; "no union" 10 and 4,406 votes.

Votes challenged: Teamsters 2,865; UFW 29,020.

Workers represented: UFW 11,695; Teamsters 9,556; "no union" 1,410.

The overwhelming majority of the workers are opting for union representation, whether Teamster or UFW. Ideology aside, the choice may boil down to voting one's own best economic self-interest, leaving the flag-waving to the partisans of one side or another.

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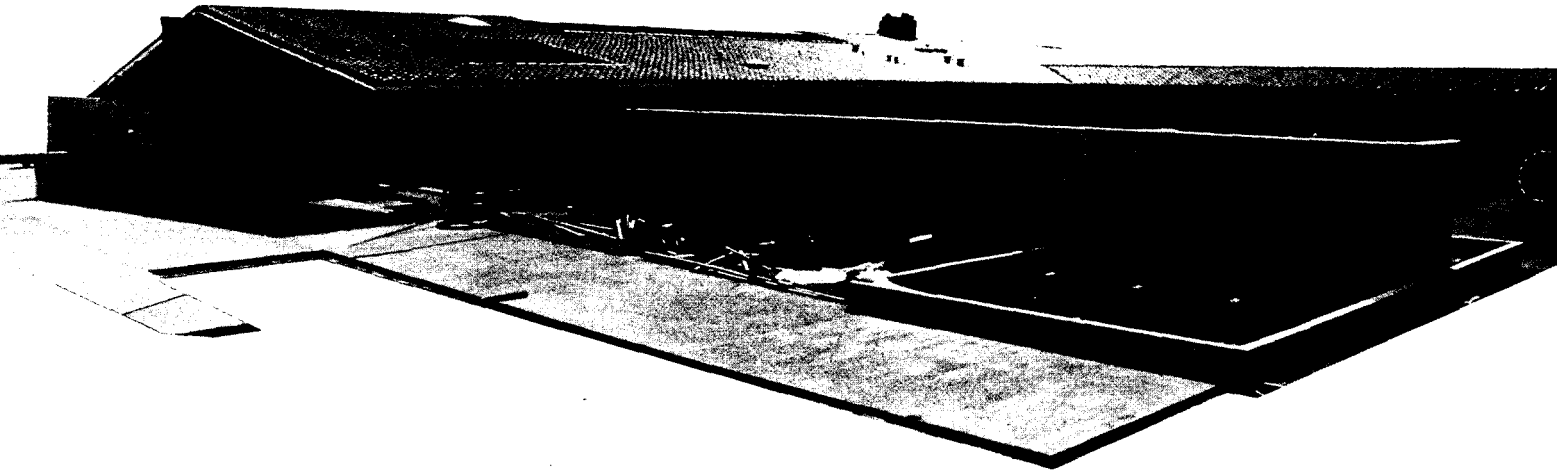
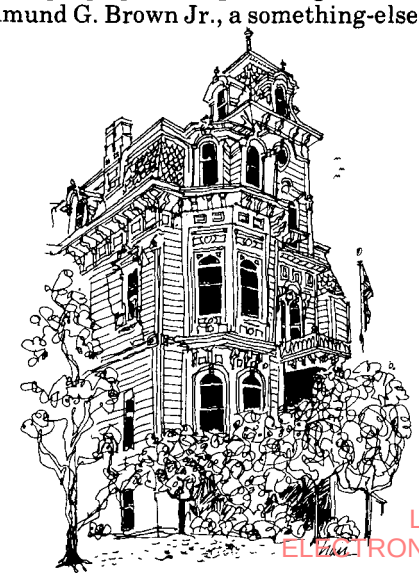


WANTED: live-in governor

The only person eligible to live in the $1.3 million mansion just completed in Carmichael will have nothing to do with what he calls "the Taj Mahal". After all, what does a young bachelor of ascetic taste need with 12,000 square feet of living space, including a 50-by-40-foot bedroom suite? Now, someone who *would* like it is private citizen Nancy Reagan, whose dream it realizes. The wife of the former governor was first made nervous by the combustible nature of the inherited mansion — a century-old Victorian home surrounded now by commercial structures. And she later felt that the private home she and Ronald Reagan later leased was "a bit rinky-dink" for the State of California because a house guest — former Vice President Spiro T. Agnew — had had to use a guest room without its own private bath.

So the Reagans pushed through this mansion built on a bluff overlooking the American River in Carmichael, 11 miles from the Capitol. Had Republican Houston Flournoy, a family man, won the campaign to succeed Reagan, the house would be getting the full treatment now — the roomy interiors decorated, grounds landscaped, swimming pool and sauna installed, and plans for a housewarming shaping up into a glittering social event.

But Edmund G. Brown Jr., a something-else Democrat, defeated Flournoy. Among the less boring things he said in doing so was that he would never live in the Reagans' dream house. Brown subsequently found a sixth-floor apartment adjacent to Capitol Park that met his housing needs just fine, belonged to the state, and carried a rent of $250 a month, which fit nicely into the budget of a governor. But by then the mansion was already under construction in Carmichael and orders to abort would have brought with them both litigation and substantial costs to restore the site to its natural state. So the house was completed last month.



For the foreseeable future, that low-slung California rambler with the Spanish accent is likely to remain vacant. The Brown administration's effort to put the building to some use as a site for state-run seminars and meetings, which now take place in private hotels, was defeated in a Senate committee last August after having cleared the Assembly. Another effort to broaden the law will be made next year, but until that is successful the building can only be used to shelter a governor.

Even vacant, however, the mansion will be costly. To maintain the empty building and grounds and provide adequate security will cost an estimated $105,000 a year. The complex technical systems, from an elaborate telephone installation to a solar heat collector to produce most of the hot water, will tend to deteriorate if they don't function regularly. And appliances that carry a one-year guarantee may go untested by normal use.

Symbolic value

During his campaign for office, Governor Brown called the idea of building a mansion in times of economic hardship "absurd". Granting that view, now that the "absurd" has come to pass does it become logical to leave it unused?

The problem here, for Brown, is that the mansion holds a symbolic value that runs counter to a basic strain of his "new spirit" — a re-evaluation of materialism and what he holds to be conspicuous consumption. The building's architecture itself exudes less a reflection of California's Spanish-Indian heritage than the exclusiveness of the state's affluent suburbs in which few living representatives of that heritage can be found. (As former State Architect John Worsely once said, the building doesn't have "style" so much as "class".)

So the question is which values the public feels more comfortable with today, the Reagans' or Brown's. Will Brown be pressured to inhabit the residence simply because it's there? Or will the lawmakers be prodded instead to let the building be put to some other use? For now, the taxpayers have a $1.3 million white elephant on their hands, the house the Reagans built. *BRUCE KEPPEL*

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TARGETS OF OPPORTUNITY

The elections women can win in '76

By Ed Salzman

Janet Gray Hayes explained why she decided to launch her successful campaign for mayor of San Jose last year: "I figured I was in the right place at the right time." In 1974, women ran in unprecedented numbers in California for election to the Legislature and Congress. More women's organizations spent more money and expended more effort than ever before in attempting to break the all-male tradition of the state Senate and add at least a few more females to the congressional delegation and the Assembly.

The results were disastrous. Too often the women were running in the wrong places at the wrong time.

The number of women holding elective state office after the 1974 election held precisely firm. Secretary of State March Fong Eu in effect replaced state Treasurer Ivy Baker Priest. Leona Egeland succeeded Fong in the Assembly. And Yvonne Brathwaite Burke remained the only female member of the congressional delegation. Since that time, there have been two additions. Republican Shirley Pettis was elected to Congress following the death of her husband, Jerry Pettis. And Democrat Teresa Hughes was elected to the Assembly in a special election. These were cases of women of the right political parties running in the right districts at the right time. Pettis ran an extraordinary campaign, aided by the sympathy factor that has often helped widows win elections. A key to the Hughes victory was the support of the potent Watts political organization headed by Lieutenant Governor Mervyn Dymally.

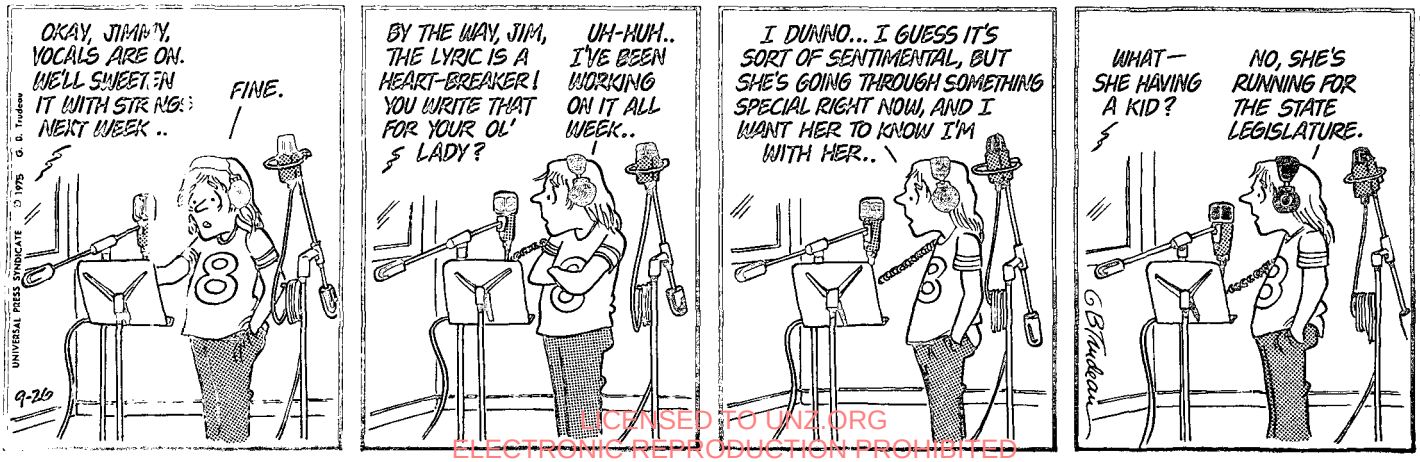
Different story?

Leaders of women's political organizations claim that 1976 will be a different story, that the mistakes of 1974 will not be repeated next year. If that is the case, women will not automatically support any female candidate who looks promising but will concentrate on campaigns in those districts in which the timing and partisan chemistry offers the best opportunities for victory. And there are plenty of those opportunities.

There are still several months before commitments must be made for the 1976 elections, but it is already clear that there will be about 30 districts in which it will be possible for women to win. These are generally districts in which incumbents will not be seeking reelection or the partisan balance is such that an incumbent could be vulnerable.

Even before the February filing rolls around, there is a possibility that a woman will pick up an Assembly seat — the one vacated through the death of veteran Democrat Edwin L. Z'berg of Sacramento. The district covers much of Solano County, all of Yolo County and a part of Sacramento County that includes many of the political activists who work in the Capitol. It was thought that a high-powered field of candidates would emerge. As the November 4th special election neared, it appeared that the leading candidates were Victor H. Fazio, former chief of the Democratic consultant staff in the Assembly; Ida Casillas, a former member of the legislative staff; and Republican Mike Abernathy, a broadcaster narrowly defeated by Z'berg in 1974. Fazio moved out of the starting gate rapidly with an efficient organization, but Casillas was running hard with the backing of female activists, Chicano leaders and a natural base of support at the University of California at Davis. Both Fazio and Casillas were helped by the withdrawal of Solano County Supervisor Tom Hannigan from the contest. Three potentially powerful female candidates (Z'berg's widow, Merle; Anne Rudin, a Sacramento City Council member; and Betsy Marchant, a Yolo County supervisor) were pressured to run but decided against it.

DOONESBURY by Garry Trudeau


OKAY, JIMMY, VOCALS ARE ON. WE'LL SWEETEN IT WITH STRINGS NEXT WEEK..
FINE.
BY THE WAY, JIM, THE LYRIC IS A HEART-BREAKER! YOU WRITE THAT FOR YOUR OL' LADY?
UH-HUH.. I'VE BEEN WORKING ON IT ALL WEEK..
I DUNNO... I GUESS IT'S SORT OF SENTIMENTAL, BUT SHE'S GOING THROUGH SOMETHING SPECIAL RIGHT NOW, AND I WANT HER TO KNOW I'M WITH HER..
WHAT— SHE HAVING A KID?
NO, SHE'S RUNNING FOR THE STATE LEGISLATURE.
UNIVERSAL PRESS SYNDICATE © 1975 G. B. Trudeau
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In terms of the overall political picture, 1976 will be an ideal year for women to mobilize a campaign for electing females to Congress and the Legislature. This is because there is as yet no major campaign to nominate a woman for president or vice president, and there is only one statewide office up for grabs, the United States Senate seat held by Democrat John Tunney. And all the potential opponents for Tunney thus far are male. (In 1974, it should be recalled, there was a hot Democratic primary race for Secretary of State involving Fong and another woman with strong backing, Cathy O'Neill.)

One of the problems women may have in 1976 is matching the pool of potential candidates with the availability of seats on a partisan basis. Most of the women who have expressed interest in running have been Democrats, and more than half the opportunities for election are in districts where only a Republican woman can win.

In attempting to pinpoint those districts in which women have the best chances of victory in 1976, it is necessary to make a series of assumptions:

- *Few incumbents will be defeated in the June primary.*
- *Electable women of both parties are available in every district.*
- *Incumbents will seek reelection, unless there have been indications to the contrary.*
- *There will be no major shifts in the partisan composition of the districts.*
- *There is no difference in the ability of women to be elected in various sections of the state.*

If these assumptions hold true, there should be opportunities for women to break the sex barrier in the Senate and add to their seats in Congress. The current female representation in the latter amounts to Pettis and Burke in Congress and Democrats Hughes, Pauline Davis and Leona Egeland in the Assembly. What follows is an analysis of the targets of opportunity:

CONGRESS. The situation is muddled because it won't be known for sure until February whether Republicans Barry Goldwater Jr., Alphonzo Bell or Pete McCloskey will run for the GOP senatorial nomination. If Bell or Goldwater make the plunge — or both of them — their seats could be won by Republican women. McCloskey's situation is more complex because he might lose to a conservative in the GOP primary even if he runs for reelection; in that case a Democratic woman with conservationist ties might capture the seat. Should McCloskey not seek reelection, a woman of either party might have a good shot at the seat.

Another complicating factor is the possibility that two veteran Democrats, Harold Johnson of Roseville and B.F. Sisk of Fresno, might retire. Although their districts have heavy Democratic registrations, the loyalty factor is low and women of either party could win either seat. There are five other districts in which women have opportunities; but the only chance for a Democrat is against Republican incumbent Burt Talcott of Salinas, who has not won reelection convincingly in recent years.

Republican Andrew J. Hinshaw of Orange County has been indicted on bribery charges, and his seat is up for grabs. The district can only be won by a Republican. There are also three seats in marginal districts that were won in the Democratic sweep of 1974, and Republican women might take a shot at these incumbents — Mark Hannaford of the Long Beach area, Jim Lloyd of San Bernardino and Jerry Patterson of Orange County.

STATE SENATE. No woman has ever sat in the state Senate, a posture female political leaders hope to alter in 1976. Only half the 40 Senate seats are on the ballot this year, but there is at least some hope for women candidates in eight of the 20 races. As a result of reapportionment, there will be two districts in which there will be no incumbent. Both of these districts (in Los Angeles and Orange counties) have marginal registration so that they can be carried by either party.

In addition there are two veteran Republican senators, Howard Way of Tulare County and Donald Grunsky of Watsonville, who have announced that they will not seek reelection next year. Way's district has a 58 percent Democratic registration, but party loyalty is extremly low in the San Joaquin Valley. Republican Assemblyman Ernest Mobley of Fresno County has indicated that he wants to succeed Way, but his election can hardly be considered a cinch. Grunsky's district has marginal registration — 54 percent Democratic — and another GOP assemblyman, Robert Nimmo of San Luis Obispo County, has announced his intention to run for the seat. This means that the best female candidate would come from the Democratic ranks. Suzanne Paizis of Aptos ran against Grunsky three years ago, and she may try for the seat again in 1976.

Four possibilities

Four other Senate districts are worth examining by women's organizations.

- Republican Milton Marks has managed to win consistently in Democratic San Francisco, despite a 2-1 registration handicap. Will 1976 be the year that he becomes vulnerable?
- Reapportionment made the district of maverick Republican John Nejedly of Contra Costa County theoretically Democratic. But Nejedly, a former district attorney, has a non-partisan image with the home folks and will be tough to topple.
- Redistricting had an even more drastic effect on Senator Lou Cusanovich of Los Angeles County. But the partisan make-up of the new district will make it difficult for a Democrat. However, there are signs that Cusanovich may face a rough primary battle, and actress-environmentalist Sabrina Schiller may take a shot at the Democratic nomination.
- Two incumbents, Republican Robert Stevens and Democrat James Wedworth, were thrown into the same coastal Los Angeles district as a result of reapportionment. Both may face significant primary opposition and there is no telling what might happen. The Democratic registration is 51 percent, and this area has traditionally voted Republican. Stevens may get a shot at a congressional seat, depending on what Goldwater decides to do.

Two other senators could face powerful opposition next year, but neither race appears to offer a solid opportunity for a female candidate. This is because the problems of Democrat Randolph Collier of Siskiyou County and Republican Clare Berryhill of Stanislaus County are based more on the caliber of the anticipated opposition than anything else. Former GOP Assemblyman Ray Johnson has been campaigning hard against Collier for many months, and Berryhill faces the prospect of a challenge from freshman Assemblyman John Garamendi.

ASSEMBLY. At this stage, it is difficult to determine precisely where all the opportunities will develop because it won't be known for a few months yet which lower-house members will retire or seek other offices. Nonetheless, in about 20 districts

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there will be at least a fair chance for a woman to win. They come in three categories — those in which only a Republican can win, those in which only a Democrat can win, and those in which either party can win.

Republicans only

Veteran Frank Lanterman of La Canada has indicated that he will probably retire. The district is rock-hard Republican.

Republican Robert Badham of Orange County is expected to run for the Hinshaw seat in Congress; John Briggs of Orange County is aiming at Senator James Whetmore in the GOP primary; Bill Campbell of Hacienda Heights will probably run for one of the two open state Senate seats.

Republican floor leader Robert Beverly will have a good shot at a congressional seat if Alphonzo Bell runs for the Senate, but Beverly seems to like the Sacramento scene and he could go for the Stevens Senate seat should Stevens run for Congress. Another Los Angeles County Republican, Robert Cline, is itching to make an upward move, either to the Senate or to Congress.

Eight districts now represented by freshman Democrats elected in 1974 will probably be hotly contested by the GOP in 1976. The incumbents and the partisan breakdown of their districts: Paul Carpenter of Orange County (56-39); Frod Chel of Long Beach (56-39); Larry Chimbole of Palmdale (54-42); Gary Hart of Santa Barbara (51-42); Bill McVittie of Upland (54-43); Richard Robinson of Santa Ana (52-42); Tom Suitt of Indian Wells (48-48); Michael Wornum of Marin County (52-41).

Democratic only

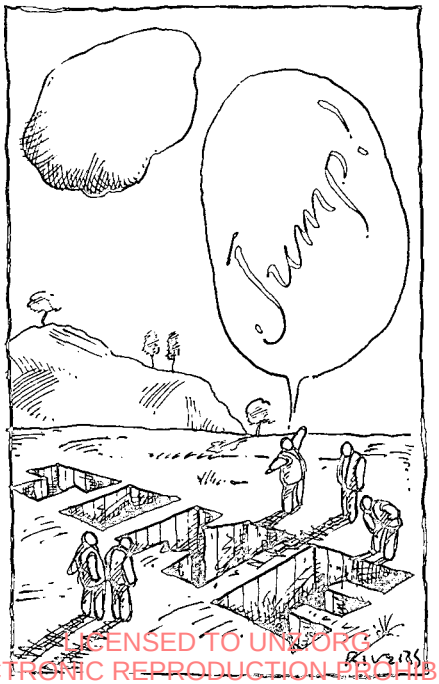
Because there are only 25 Republican incumbents, there are few districts in which Democrats — male or female — have much of a chance of winning. Still, there are a few opportunities, based on registration and not the entrenchment of the candidates. Two of these — Republicans Gene Chappie of Roseville and Ken Maddy of Fresno — might run for higher office if Congressmen Johnson and Sisk retire as rumored. Chappie won a squeaker last year, and he could face another tough race if he runs for reelection. Maddy will always be in trouble in his present district, which is 68 percent Democratic. Three other districts to watch:

- Republican Paul Bannai of Gardena is a cinch Democratic target. His district is 69 percent Democratic,

and a female Democrat of Japanese descent might be just what is needed to beat him.

- Robert McLennan of Downey won a tough match with Democratic incumbent Joe Gonsalves last year, but the district is 60 percent Democratic and McLennan cannot be considered entrenched.
- Bill Thomas of Bakersfield defeated a Democratic incumbent, Ray Gonzales, last year in an area that was once represented by a woman, Democrat Dorothy Donahoe.

Assemblyman Ken Meade of Berkeley will not run for reelection, but at this stage it appears that Supervisor Tom Bates, a Democrat, has the inside track. There are recurring rumors, however, that Bates may be challenged by Councilwoman Sue Hone of Berkeley in the Democratic primary.



Both parties

Seven districts have marginal registration with no indication that the incumbents will not be seeking reelection. In all probability, some of these incumbents will decide to hold their seats rather than risk political oblivion in an attempt to higher office. Nevertheless, all of these districts bear watching because they could provide some of the most wide-open campaigns in the state:

- Democrats hold a 57-39 registration advantage in the Garamendi district, but loyalty is not very high and either party could take the seat should Garamendi go for the Senate.
- Republican Nimmo is definitely going for the Senate, and his district is 54 percent Democratic (but with a Republican tradition).
- Democrats have been trying for years to defeat Mobley, because his Fresno-area district is 58 percent Democratic. With Mobley going for Way's Senate seat, Democrats might finally succeed in 1976.
- Democrat Ken MacDonald of Ventura County has been talking about retiring. If he does, either party will have a chance to take the seat because the district breakdown is 54-41.
- Republican Paul Priolo of Santa Monica may go for a Senate seat (if Barry Goldwater Jr. runs for the Senate). But even if he doesn't he's not home free. Democrat Betty Mann gave him a good run in 1974, and she's gearing up for another shot.
- Democrat Bob Wilson of San Diego represents a district that statistically belongs to the Republicans, and he is talking about running for the Senate against veteran Republican Jack Schrade.
- Another San Diego Democrat representing a previously GOP district, Larry Kapiloff, has been mentioned as a possible candidate for Congress against Republican Bob Wilson. Should Kapiloff jump, there could be a scramble for his seat.

Those are the targets of opportunity. Undoubtedly, others will arise as office-holders decide not to retire or to seek another office. But from the standpoint of the women's political movement, the most important factor to be considered is not how many candidates are offered or even mustering the best caliber of candidates. What wins an election is having a good candidate with the right support from the right party in the right place at the right time.

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Hail to the Chief,

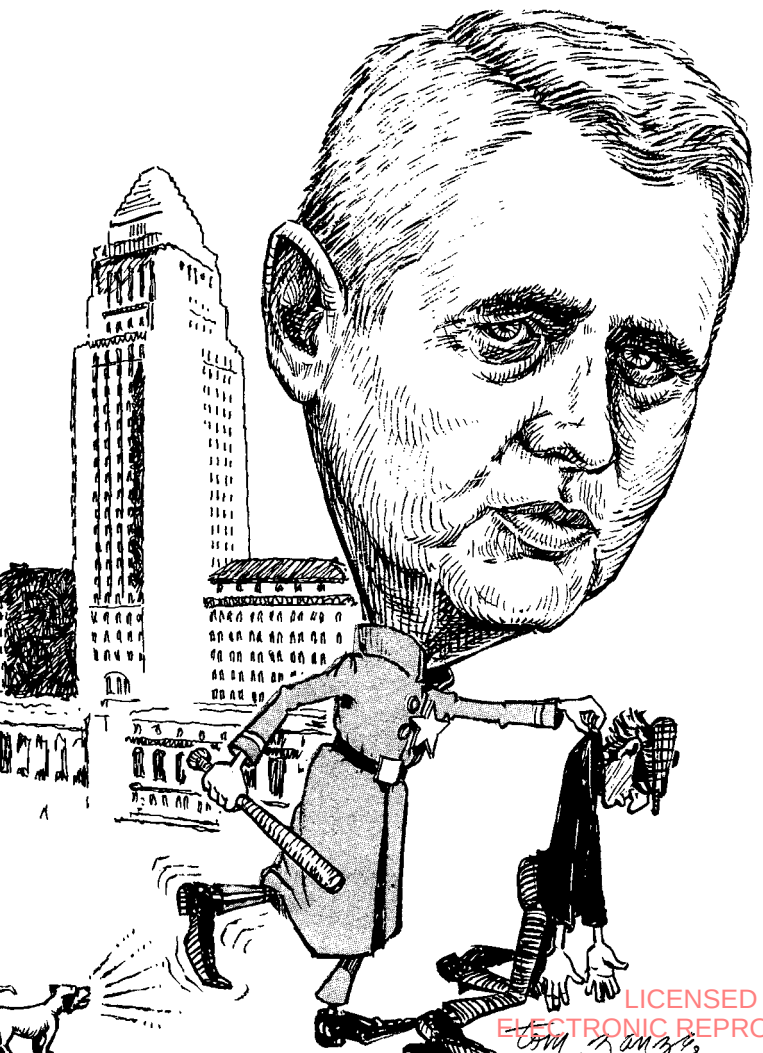
"Edward M. Davis is the best police chief in the nation." • "I don't think the chief is playing with a full deck." • "The people of Los Angeles can thank Ed Davis for keeping the crime rate down." • "Chief Davis' comments are utterly outrageous and they are getting worse." • "Davis oughta get a medal." • "Davis should be sacked."

or to Hell with him?

By Dan Blackburn

You could fill several pages with differing comments about Los Angeles Police Chief Edward M. Davis. He is a man who stirs strong feelings. Some of the people of Los Angeles admire and respect him. Others fear him. And some despise him. As a reflection of the disparity of views about Davis, all of the above quotations were collected on one recent afternoon at Los Angeles City Hall.

The Los Angeles police chief presides over one of the largest and best-paid police departments in the nation. Davis' own salary is $57,712 and going up. Unlike many other large departments, the LAPD boasts very high morale. No one really believes that a police strike such as occurred in San Francisco could happen in Los Angeles. This includes the officers themselves.



National imagery

The Los Angeles police benefit from the most favorable publicity in the nation, Los Angeles being the center of the motion-picture and television industries. The heroic cops you watch on television are often fictitious members of the LAPD. And no one is more aware of this positive image than Chief Davis. As a result, the 57-year-old Davis is better known nationally than any other big-city police chief, though also because of reports that his hard-line attitude was responsible for New York defeating Los Angeles in the quest for next year's Democratic National Convention.

Lately, some of his critics believe the chief has let image turn his head. Others think that he plans to seek a major elective office — speculation boosted in September when Davis quit the Democratic Party and re-registered as a Republican. Davis, however, denies having plans to seek elective office. He does not rule out the possibility of campaigning for candidates sharing his views, but being a candidate himself, he says, is not his current thinking.

Despite the wide range of views about Davis, there is general agreement in two areas. First, he is generally perceived to be the nation's most outspoken and controversial cop. Second, friend and foe alike consider him an excellent police administrator. Even Los Angeles City Attorney Burt Pines, with whom Davis battled publicly in August, is quick to praise the chief as an excellent leader of the police department.

Chief's attack

It was the so-called six-days war with Pines that really focused attention on Davis' views. Pines was known to have been disturbed by the chief's vigorous denunciation of proposals for gun control — a position that put Davis at odds with many officials, including Los Angeles County Sheriff Peter Pitchess. But Pines, feeling that he and the chief had agreed to avoid personal attacks on one another, remained silent. Then Davis made a well-publicized speech at the Los Angeles Breakfast Club, in which he restated his opposition to gun-control measures and appeared to some to blame women's liberation for a rising crime rate. (He did not actually say that, but a listener

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might easily have come away with such an impression.) The words that stung Pines, however, came when Davis said:

> *City attorneys, district attorneys are elected partisan politicians who take money in lucrative amounts from homosexual organizations, from pornographers; and, in this city, we have had in the last two years a cessation of prosecution of pornography and you have the Mafia moving into the pornographic racket because, while there is a law against it on the books, there isn't any prosecution. So, for the first time, you have the influx of Mafia organization in your city in 40 years. A pretty disgraceful thing. But look where the money came from. Go back and look at the records, in who is elected to office and who is supposed to prosecute.*

The next day Davis told an interviewer that Pines would not go down as one of the most vigorous prosecutors in history. Pines was furious.

Pines' response

Five days later, members of Pines' staff alerted reporters that the city attorney would respond to Davis at a gala fund-raising dinner. Among other things, Pines said: "When the person who wears the badge of Chief of Police makes inaccurate and careless statements, such statements cannot help but cause public concern and confusion. The net result is an impairment of respect for law enforcement in our city."

Finally, Los Angeles Mayor Tom Bradley asked both men to meet with him to discuss the situation. As soon as Bradley's door closed, both Pines and Davis voiced the belief that a continuation of the public dispute would do more harm than good. The two men shook hands and shortly afterward held an impromptu news conference at which they pledged to seek a good working relationship. "I hope the whole episode will have a beneficial effect," Pines said recently. "It must be evident to the chief that I'm not going to take any personal attacks sitting down. I think he feels the same way I do that this kind of public bickering is not in the best interests of our constituents."

Perhaps. But Davis shows no sign of any reluctance to continue speaking out on the pornography question. In an interview, he said, "What has happened because of the unwillingness of the prosecutors — both the city attorney's office and the district attorney's office — to file pornography cases has been in effect a *de facto* decriminalization of pornography manufacturing, distribution and retailing." The only real difference between what Davis says now and what he said before the "truce" is that he refrains from pointing a finger directly at Pines in connection with any specific charge. And that leaves Pines more than a little frustrated.

Other issues

Some think that Davis is speaking out more in an effort to assure his election as president of the International Association of Chiefs of Police, as Governor Brown has suggested. Responded Davis: "Governor Brown is a very foolish young man who is totally uninformed about anything to do with police and certainly doesn't understand the International Association of Chiefs of Police. I think that's probably the most preposterous and most ridiculous statement I have ever heard." In point of fact, Davis will succeed to the IACP presidency automatically so long as he remains a police chief. Another theory is that Davis is using the Mafia and pornography issue to get a running start on next year's budget planning. He was not happy with the way things turned out this year and some think he is trying now to bolster his case for a bigger police budget next year. Such tactics have not been unknown.

Davis has not limited himself to the issues of pornography and gun control. He also told a U.S. Senate panel investigating the Central Intelligence Agency that "it will be a cold day in Hell when I provide you with the information you have requested." The committee was seeking the names of some individuals engaged in intelligence-gathering activities for the LAPD. Subsequently, the Los Angeles Police Commission ruled that some information should be given to the panel, and Davis agreed to do so.

Police Commission President Sam Williams is among those concerned that Davis' outspokenness may create problems. "I have never asked him not to speak his mind," Williams said. "The only time I would do that would be if his utterances made it difficult for him to do his job. So far, it hasn't hindered his work within the department."

Future plans

People in the mayor's office, the city attorney's office and on the police commission believe that Davis will retire once he completes his scheduled term as head of the International Association of Chiefs of Police. These individuals — none of whom would agree to be quoted directly — may be disappointed. Asked about such a possibility Davis said:

> *If any commissioner thinks that or any mayor thinks that or any councilman thinks that, I may stay here and outlast them. I can go for seven more years before I hit the mandatory retirement age. So, I'd like to know who it is that said that and I'd like you to go back and tell them that is a lie, that I have never made any arrangements or deals with anyone and that infuriates me. There has never been such an arrangement. That sort of statement could cause me to stay here until I'm 65 years of age.*

In the face of criticism, is he likely to tone down his remarks or speak out less? Davis responds, "As long as I have anything to say, I'm going to say it." Davis also contends that he wouldn't be getting so much attention if the *Los Angeles Times* — a subscription to which he has cancelled — didn't quote him so often. "If I'm quoted more recently," Davis said, "I think to a very great extent it is because the *L.A. Times* did a lot of quoting of things that I said and then that is picked up frequently in wire stories and that, in turn, generates a phone call from somebody in another part of the country or from some radio station. The whole thing feeds on itself." The same point is made by Davis' critics at City Hall. They, too, argue that some of Davis' remarks are being overplayed and that the combination generates more heat. Still, Davis does not seem dismayed by the publicity.

Mayor Bradley is under pressure from some quarters to get rid of Davis because of the controversial statements. Bradley is not likely to do so. Most people in Los Angeles' city government — and quite possibly the majority of those it serves — would like to see an extended cooling-off period accompanied by a distinct lowering of voices. However, given Davis' propensity for the hot phrase, no one really expects to begin hearing the sound of silence.

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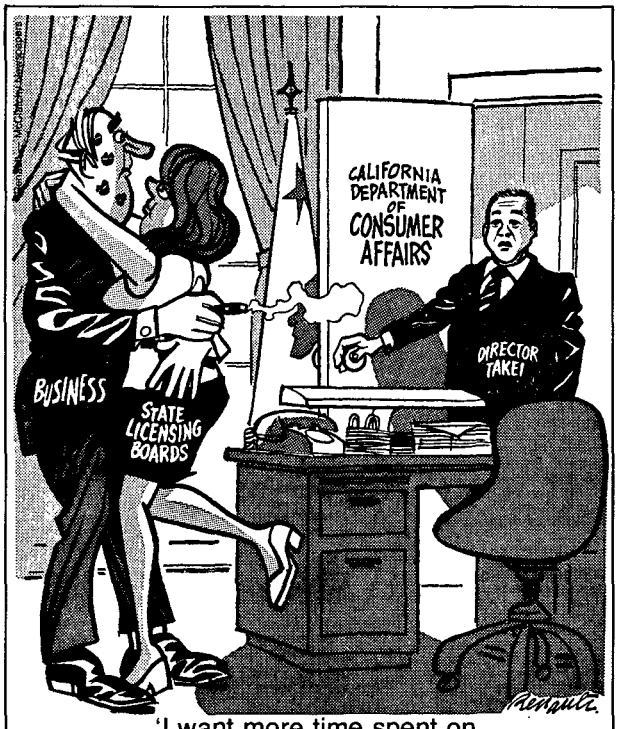
California *NEWSBRIEFS*

State loses round to U.S. in fight to control water

A federal district judge in Sacramento dealt California a setback last month in ruling that the state cannot tell the United States government how the state's water can be used. The suit was filed by the U.S. Bureau of Reclamation after the California Water Resources Control Board had imposed limits on how much water the federal government could impound behind New Melones Dam, now under construction on the Stanislaus River. The state had sought to limit storage to preserve a nine-mile stretch of rapids, maintaining that the dam's full capacity is not yet needed. California is also at odds with the federal agency over minimum river flows needed to protect the environment of the Sacramento-San Joaquin delta. The ruling is expected to be appealed by the state.



'I want more time spent on CONSUMERS and less on AFFAIRS!'

Consumer chief charges his boards with ignoring public

Department of Consumer Affairs Director Taketsugu Takei was an unfamiliar figure making a familiar charge last month — that his department was guilty of representing the interests of the businesses and professions it is supposed to regulate. The 38 semi-autonomous licensing boards and regulatory bodies within the department have long been dominated by representatives of the groups they regulate, though their number of "public" members has increased. Moreover, Takei said, more than half the complaints filed with the department receive unsatisfactory responses. And his department's "affirmative action" record is "pretty negative", he told an Assembly committee.

Opening shot fired in campaign to control handguns

A California initiative campaign to restrict handgun ownership in the state has been begun in the wake of two attempted assassinations of President Ford. The Coalition for Handgun Control announced its drive for 312,000 voter signatures to quality its measure for the 1976 ballot.

Contract is let to render Capitol earthquake-proof

Continental Heller Corporation and Swinerton & Walberg Company — two of the state's biggest construction firms — were awarded the contract to restore and strengthen the Capitol. The work will be supervised by a new state architect, Sim Van der Ryn of the University of California at Berkeley, appointed by Governor Brown last month. The architect had warned Brown before the $42-million authorization measure was signed last summer that the project could cost $20 million more than that. After his appointment, Ryn suggested that future state buildings in Sacramento should be squat, not towering, to blend in with the local environment and conserve energy.

Some civil servants now earn more than their bosses

The State Personnel Board granted raises to about 800 top-level, civil-service employees, pushing their salaries higher than those of their bosses appointed by the Governor. About 100 physicians in the Department of Health will now earn more than the department's director, Jerome Lackner, who also is a physician.

'Secret' funds are little used by Brown and open to public

Governor Brown has spent only $750 of the $17,500 he has been allotted so far this year for official entertainment. The Governor is granted $1,458 a month for official entertainment and, so far, Brown's entries include: "Lunch in the governor's office with members of the Senate, $14.86."

Nor has Brown's $15,000-a-year "contingency fund" — his to spend as he wishes without any public accounting — seen much activity and none of it secret. Brown pledged to open up these two accounts.

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THE BARTENDER BLUES

Where lobbyists now spend their money

By Roland Dewolk

The people find and declare as follows: State and local government should serve the needs and respond to the wishes of all citizens equally, without regard to their wealth. . . . The people enact this title to accomplish the following purposes. . . . The activities of lobbyists should be regulated and their finances disclosed in order that improper influences will not be directed at public officials.

So begins the Political Reform Act of 1974, enacted by the voters as Proposition 9. Is the purported goal of halting lobbyist spending being achieved? In seeking an answer, expense statements of 30 key lobbyists for the first six months of the 1973-74 legislative session were compared with similar figures for the first six months of 1975. (The act took effect in January.) The results suggest that lobbyists who want to report spending as much money now as they did before apparently encounter no difficulty. Despite the reform act's restrictions there are advocates who report the expenditure of several thousand dollars a month in the course of seeking to influence legislation.

The examination also reveals that Proposition 9 has not substantially clarified the details of lobbyist spending. Even after careful study, one may well walk away from the new reports feeling more confused than informed.

Before and after

Before Proposition 9, advocates were supposed to list their monthly expenditures, itemizing any outlay of $25 or more. Advocates then were spending thousands of dollars each month wining and dining legislators, their staffs and officials of the executive branch of government. Among the recipients of the largesse were such Sacramento establishments as Posey's, Ellis Restaurant, Frank Fat's and Corum's liquor store. Proposition 9 made it illegal for a lobbyist to spend more than $10 a month on any candidate, elected officer, legislative official or agency executive. During the gubernatorial campaign, Jerry Brown liked to say that this would keep wining and dining down to "two hamburgers and a Coke" (originally, "two Big Macs and a Coke").

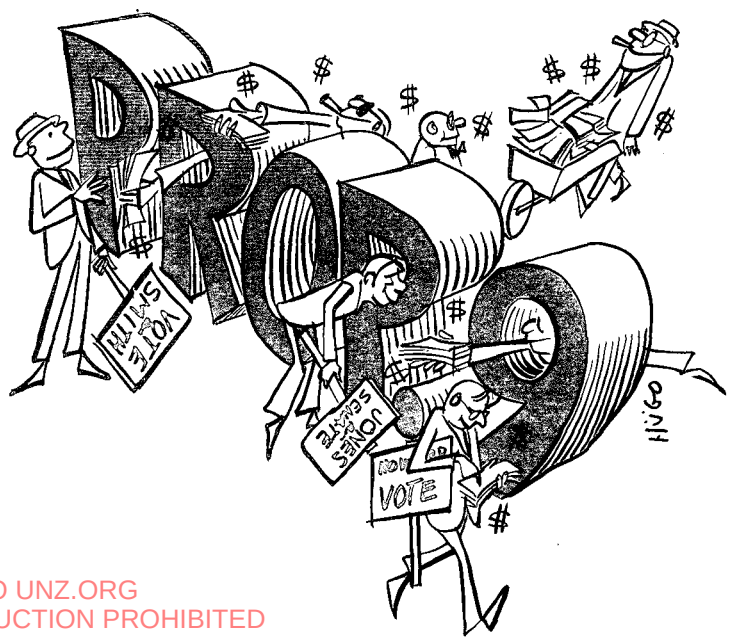
Spending has not stopped completely. From the reports of the 30 lobbyists examined in detail, about half reflected the same level of spending, but the itemization of expenses is considerably different. The remaining lobbyists sampled reported significant reductions in their spending habits. The huge spending for wining and dining has clearly ended, and some lobbyists have been forced to find new luncheon partners.

Although the 30 advocates were chosen arbitrarily, they include some of those who have been identified over the years as among the most influential lobbyists in Sacramento. The following two tables provide a comparison of reported expenditures for the first six months of 1973, 1974, and 1975. Table One shows those whose reported level of expenditures remained reasonably constant. Table Two shows those whose reports indicated reduced expenditures.

The Political Reform Act of 1974 was designed, in part to reduce the level of lobbyist expenditures and to make what they do spend more visible to the public. Though somewhat successful in baring the level of spending, the reporting system has not produced the clarity sought by the authors of Proposition 9. The State's Fair Political Practices Commission has been attempting to improve the reporting forms, but a true before-and-after comparison can never be made because the reporting requirements before this year were extremely inadequate.

Who's who

Nonetheless, what follows is a name-by-name summary of the spending patterns reported by the lobbyists sampled.



The author, a journalism student at the University of California at Berkeley, prepared this article under the Journal's internship program.

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TABLE 1: CONSISTENT SPENDERS

	1973	1974	1975
Benninghoven	$ 2,528.09	$ 4,934.91	$ 297.32
Broaders	5,111.27	5,939.22	2,565.32
Brown	6,528.98	6,784.08	9,735.48
Burke	12,466.94	18,369.53	9,619.44
Coggin	8,458.74	8,492.49	2,640.95
Creedon	14,889.36	17,794.03	23,379.02
Crose	10,654.73	9,852.48	55,008.42
Fraser	2,626.64	3,904.25	253.82
Garland	14,271.36	16,493.24	12,661.78
Gillies	2,152.19	3,438.70	1,479.51
Henning	891.48	758.19	1,578.55
Martin	796.16	556.27	1,397.10
Mesplé	3,516.50	4,478.63	3,493.26
O'Hara	1,365.86	2,498.16	1,617.12
Shell	12,692.00	9,927.46	43,899.98
Zierold	2,865.29	3,609.53	3,871.22

TABLE 2: LOWER-LEVEL SPENDERS

	1973	1974	1975
Bergan	$ 9,665.60	$ 5,518.83	$ 780.53
Dugally	9,959.40	12,923.02	1,801.40
Fairbank	3,013.57	2,248.50	801.00
Garibaldi	24,884.29	20,449.36	21,053.00
Gunterman	225.04	447.74	179.00
Holmes	4,119.81	3,034.98	374.11
Olsen	13,949.53	11,908.32	8,695.14
Ratcliff	7,315.63	6,460.57	3,858.00
Ross	23,910.76	22,633.00	12,233.52
Sandford	3,750.00	5,945.00	17,956.22
Shults	23,885.09	25,483.71	30,764.24
Taplin	12,394.22	12,699.25	14,297.25
Trask	3,211.66	3,819.82	607.79
Winton	6,841.20	6,942.87	2,047.77

Consistent Spenders

DONALD C. BENNINGHOVEN
League of California Cities.
By including such office costs as mail and rent for 1975, Benninghoven's totals suggest that he has spent far less on lobbying for the first six months of 1975 than in 1973-74. Closer examination shows that he spent nothing for food and beverage in the first six months of 1973, $55.63 in the same period for 1974, and $133.95 during the first half of 1975.

HALDEN C. BROADERS
Bank of America Corporation.
Broaders, who has never included his office costs in his totals, began 1975 with substantial reductions in expenses — half of the two previous periods — though he continued to spend the same proportions of money on such items as food and beverage. But Broaders' costs have continued to escalate since the beginning of 1975, and his latest totals are becoming consistent with his previous totals. In June 1973, Broaders spent $99.80 on food and beverage; in June 1975, he spent $133.83.

PAUL R. BROWN
California Medical Association and two other organizations.
Brown includes his rent and phone costs in his 1975 totals, thereby giving him a higher total for that period, so the figure can thus be misleading. He continues to spend $50 to $500 a month on food and beverage.

WILLIAM R. BURKE
The Catholic Conference and other organizations.
Burke does not list many of his previous expense itemizations, making his totals lower for 1975. Still, he finds no problem in continuing to spend about $200 a month on food and beverage.

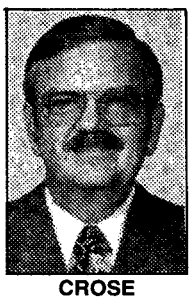
RICHARD G. COGGIN
11 major oil companies.
Although Coggin used to list just about all his office expenses, he now reports only food-and-beverage expenditures, which continue from $200 to $300 a month.

BENNINGHOVEN

CREEDON

DANIEL J. CREEDON
Nine organizations, including the California Brewers' Association.
Creedon continues to be one of Sacramento's highest-spending lobbyists. While he used to list much of his total working and living expenses in his reports, he now includes them all, thereby giving a greater total for 1975. He continues to spend about $1,000 a month on food and beverage. If there is any one example of the ineffectiveness of the Political Reform Act of 1974 on the free spending habits of some lobbyists, Creedon must be it.

JACK C. CROSE
Eight clients, including Long Beach and Tenneco, Inc.
Crose reports spending 500 percent more after enactment of Proposition 9, but once again the totals can be misleading. Like many others, Crose now includes his total office costs. (One month he bought a $6,000 automobile and listed it as an expense.) He still spends from $50 to $250 a month on food and beverage.


CROSE

BROADERS

JOHN P. FRASER
Association of California Water Agencies.
Although his 1975 total seems to be much lower than his reports for the previous session, Fraser, like many other lobbyists, limited reporting to food and beverages, on which he spends up to $155 a month.

GORDON H. GARLAND
Eight organizations, including several special districts.
Perhaps the most consistent reporter of the lobbyists examined, Garland continues to report the same expenses, and the same amounts, before and after January 1975 — approximately $200 a month on food, beverage and lodging.

DUGALD GILLIES
California Association of Realtors.
Gillies no longer reports travel expenses, nor a few miscellaneous costs, but continues to itemize food-and-beverage expenses — $150 to $200 a month.

JOHN F. HENNING
California Labor Federation, AFL-CIO .
Henning continues to spend $25 to $100 a month on food and beverage. His 1975 total is higher than in 1973 and 1974 because he reports more items under this year's Proposition 9 form.

BEN D. MARTIN
California Newspaper Publishers Association.
Martin, like Henning, shows higher expenses in 1975 than in the previous session because he includes more in his statement. He also continues to spend about $50 a month on food and beverage.

FRANK A. MESPLÉ
Sacramento County.
His reporting procedures are relatively consistent, as is his spending, which continues to be about $100 a month on food and beverage.

GERALD P. O'HARA
Teamsters Union.
His reports are roughly uniform, both in what and in how much is reported. O'Hara continues to spend approximately $75 a month on food and beverage.

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JOSEPH C. SHELL
Eight companies, mostly small oil firms.
Shell offers a good example of how confusing a comparison of the nature attempted here can become. In 1973-74, he lumped all expenses (including a gardener) in one sum. Consequently, it is impossible to say how much was spent for food and beverage. In January 1975, he began to specify all expenses, including items like $17,000 to his wife for "household expenses". Minus such figures, Shell continues to dispense approximately $2,000 a month to influence legislation.

JOHN H. ZIEROLD
Sierra Club.
Zierold formerly did not itemize expenses, but rather lumped them in large sums. In 1975, he has itemized much more extensively, adding large figures such as wages. But he continues to spend roughly $50 a month on food, beverage and entertainment.

Lower-level spenders

MARY A. BERGAN
California Federation of Teachers, AFL-CIO.
Bergan has not included major expenses, such as secretarial wages, in her 1975 statements, as she did in her 1973-74 reports. Moreover, she did not itemize expenses for food and beverage in her 1973-74 statements. Nevertheless, her reports indicate a substantial reduction in expenses for food, beverage and travel.

RICHARD L. DUGALLY
Ford Motor Company.
His reports have remained fairly consistent, not listing much more than food and beverage expenses. Although Dugally was apt to spend over $1,000 a month on food and beverage before January 1975, he has since cut this to $100 to $200 a month.

WILLIAM H. FAIRBANK JR.
Metropolitan Water District of Southern California.
Fairbank itemizes much more under the Proposition 9 reports. Although he had previously reported spending up to $300 for food and beverage, in 1975, however, he never exceeded $77.

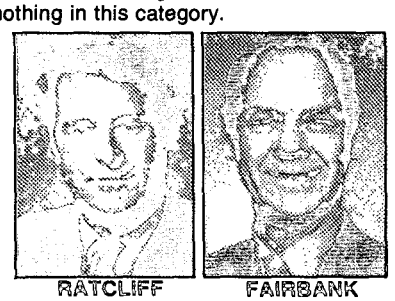
JAMES D. GARIBALDI
10 organizations, including liquor and horse-racing interests.
Garibaldi is commonly thought of as the kingpin lobbyist in the capital. [See "King of the Third House," *CJ*, September 1974.] Aside from the unusually large amounts of money he is accustomed to spending, the totals suggest, deceptively, that the Political Reform Act has had little impact. Closer analysis reveals that Garibaldi's 1973-74 totals comprised some office expenses as well as food-and-beverage costs; his 1975 totals include other large sums, such as wages. He used to report spending $1,000 to $3,000 a month on food and beverage; in 1975, he reported about $100 a month.

GILLIES HENNING

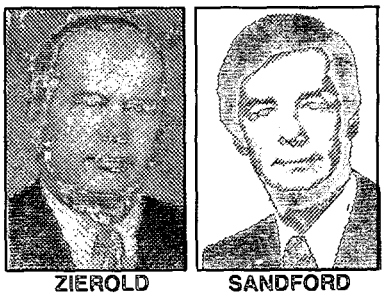
JOSEPH F. GUNTERMAN
Friends Committee on Legislation.
His spending provides a contrast to some lobbyists. Gunterman itemized his 1975 reports much more than previously and reported spending about $30 a month in the first half of this year. The totals of the previous session fluctuated from $7 to $122.38 — none of it for food, beverage or entertainment.

CARL M. HOLMES
Pacific Telephone.
His reports itemize mainly food-and-beverage costs, usually $200 to $300 in the first six months of 1973-74; in 1975, it never exceeded $70 a month.

CHARLES H. OLSEN
Eight organizations, including financial institutions.
His reports since January are more complete than those filed previously. Olsen, who used to spend about $300 a month for food and beverage, in 1975 listed next to nothing in this category.


RATCLIFF FAIRBANK

RICHARD E. RATCLIFF
California Bankers Association and two other clients.
As with many other lobbyists, Ratcliff's expenditures have been more complete in 1975. Ratcliff's reports illustrate the fact that a lobbyist can spend as much on food and beverage under the Political Reform Act as before its enactment. His food-and-beverage expenses previously ranged from $200 to $700; since January, he has spent $543.75 in one month and $238.76 in another. (For the other four months, he listed no expense for food and beverage.)


ZIEROLD SANDFORD

KENNETH A. ROSS
Airline, horse-racing and cement interests.
Ross, who had previously reported all office costs, including salaries, has chosen not to report several major costs in 1975. Ross used to report spending $400 to $500 a month on food and beverage; since January, he spent a little more than $200 a month.

H.B. SANDFORD
Baseball teams and other clients.
In his 1973-74 reports, Sandford listed only travel, food and beverage costs, and these totalled about $500 a month. He now lists all office expenses, which accounts for the substantial increase in his 1975 total. In the first six months of 1975 he never reported more than $200 a month under food and beverage.

ALBERT J. SHULTS
11 major oil companies.
He has consistently reported all office expenses, before and after January 1975. While Shults reported spending more than $1,000 a month on food and beverage in 1973-74, he has not spent more than $75 a month in this category in 1975. (He has, however, spent more than $5,000 on survey analyses this year.)

IRVIN C. TAPLIN JR.
Four major public utilities.
He did not list general office expenses in 1973-74, but did report spending from $400 to $900 a month on food and beverage. In 1975, he listed all office expenses, and cut back on expenses for food and beverage. Although he did report spending about $350 in this category in January 1975, Taplin spent less than $25 during any other month in the first half of 1975.

BERT TRASK
California Trucking Association.
Trask, who has consistently reported mainly food-and-beverage items, usually spent about $500 a month in this category before Proposition 9. This dropped to less than $50 a month since January.

OLSEN TAPLIN

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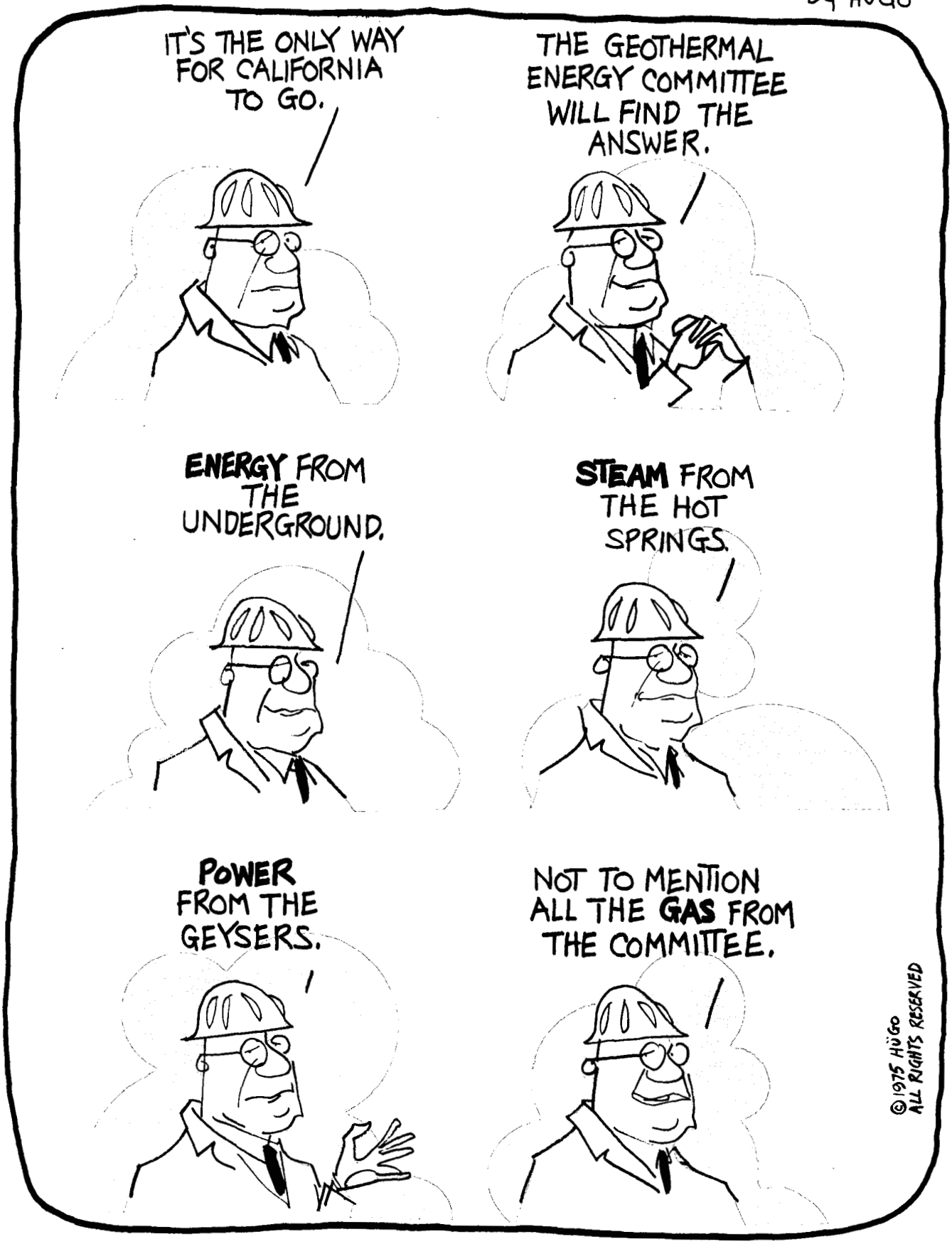
Caucus

by HüGo


IT'S THE ONLY WAY FOR CALIFORNIA TO GO.
THE GEOTHERMAL ENERGY COMMITTEE WILL FIND THE ANSWER.
ENERGY FROM THE UNDERGROUND.
STEAM FROM THE HOT SPRINGS.
POWER FROM THE GEYSERS.
NOT TO MENTION ALL THE GAS FROM THE COMMITTEE.
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DIAGNOSIS: OVERCONSOLIDATION

The ailing Department of Health

By CURT DOWDS

The California Department of Health, reorganized under Governor Reagan in July 1973, is a sick institution. Not only is it not delivering health services efficiently, but it lacks the internal harmony to put together an effective program attacking the fast-rising cost of its services. Over the last two years the department's budget has grown at a rate more than double that of state government generally — a trend some have ascribed to poor fiscal management. But the rise in Medi-Cal costs is only a surface disorder reflecting a more basic underlying malady.

"The department," says Steve Thompson, a health consultant formerly on the Assembly staff, "lacks any kind of real, comprehensive health plan dealing with the key issues of health today." Such a plan, he says, would sponsor development of a more energetic and effective program of preventive medicine, containment of the high cost of health manpower through training more doctors (and particularly more para-professionals), and drafting guidelines for hospitals spelling out more precise standards of procedure and use of manpower. Only within the framework of a clearly articulated comprehensive plan, Thompson maintains, can the department determine the trade-offs in money and manpower that long-range success demands.

But even if such a plan were in hand it is doubtful that the present department could make it work.

Reagan's consolidation

The California Department of Health dates only from July 1973, when three formerly independent state departments within the Health and Welfare Agency were consolidated. They were the Departments of Public Health, Mental Hygiene, and Health-Care Services (Medi-Cal). [See "New Department of Health, Reagan's most ambitious reorganization, begins operation July 1st;" *CJ*, April 1973.] The new "super" department, still under the Health and Welfare Agency, took responsibility for running all the state's principal health programs, ranked here in descending order of expense: Medi-Cal, Mental and Developmental Disabilities (mental hygiene), and Public Health (including environmental health services, laboratory services and preventive medicine).

The notion of consolidation had several early authors, some dating back to the administration of Reagan's predecessor, Pat Brown. These reformers favored the all-embracing health-program approach, later adopted (perhaps for different reasons) by the Reagan administration. "Creation of the new department will enable the state to do a better job in both evaluating the total health needs of our population and developing effective programs to meet them," states a 1971 Reagan press release. More than 600 jobs were to be eliminated.

Whatever the goal, "a better job" of providing health services was not the result. One of Governor Jerry Brown's top aides who has looked at the department, Bob Best, concludes that the reorganized department "never really came into being." Robert Gnaizda, deputy health and welfare secretary and former acting head of the department, considers consolidation to have been an error. On a public television edition of *California Journal* last month, Gnaizda suggested that the administration may even decentralize the department into its previous components. He described morale as low, and suggested that it was a mistake to move public-health workers from Berkeley to Sacramento for reasons largely bureaucratic. "I favor decentralization," Gnaizda said.

A Joint Legislative Audit Committee's report this year was also highly critical of department administration and failed to find the Reagan-promised reduction of 600 positions. Nor is the glass tower on P Street a happy place. The Department of Health is suffering from the cumulative effects of eight years of ideological infighting during the Reagan years. So far, the Brown administration has failed to find the spigot to turn off the torrent of contempt and distrust generated earlier.

Not everybody thought the sole purpose of the reorganization was greater efficiency. Some of the critics — many of them physicians with a lifetime of work in public health — view the reorganization as the final act in a Reagan administration effort to suppress public-health professionals' notions of what a public-health service should be. One of these doctors put it this way: "Reagan wasn't satisfied with our direction, but he didn't understand the bureaucracy at first. Most people think the bureaucracy is automatic. To the contrary, the bureaucracy has its own agenda. We did everything we could to stymie Reagan's cuts — playing entirely by the rules of the game. It took Reagan six years to learn the rules. The reorganization that produced the new Department of Health was the last step in defeating the old liberal order."

By the advent of the Brown administration, the rout had been completed and the Department of Public Health transferred from its former headquarters in Berkeley to Sacramento. Those who were in the Reagan administra-

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tion discount political motives in the move and say that the aim was simply to improve "coordination".

No picture of the consolidated Department of Health would be complete without mention of Dr. Earl Brian, the bright young man of the Reagan administration who engineered the reorganization. A fast-talking, plain-speaking, aggressive and hard-working man with limited medical experience, Brian joined Reagan's campaign in 1966 while still in his early twenties. By the time he had turned 30, he had acquired a reputation as a tough administrator and skilled legislative negotiator and, in 1972, assumed the cabinet post of secretary of health and welfare.

Reorganization became administrative policy in 1971, but implementation took place only in 1973. Resistance to consolidation came from many within the old Department of Public Health, allied with the California medical and dental establishments, which objected to plans to incorporate their licensing boards into the new department — an aspect of the plan that was dropped, along with much of the establishments' opposition.

Since implementation in July 1973, the chief result has been the demoralization of the professionals in the old Department of Public Health. From the date of reorganization there can be measured a steady rise in Medi-Cal costs. With Medi-Cal utilization growing, the cost to government of running a health service for the state's poor and aged has become increasingly severe — some say out of control — while the burden on professionals has grown heavier. Yet, the department developed no health-manpower program and did little more to fight the rise in costs than import a crew of fiscal experts. Other ills, according to unhappy department professionals, as well as some outside observers:

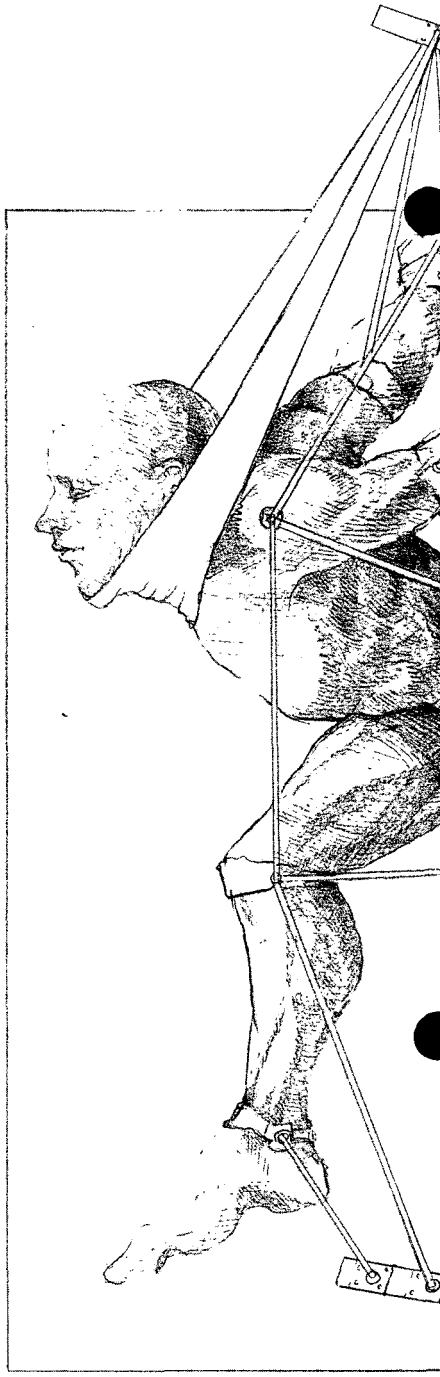
- *Constant shuffling and reshuffling of the "managerial specialists" Brian had brought in.*
- *Erosion of professional competence as the balance between administrative and professional experience shifted toward administration.*
- *Recriminations against those who complained.*
- *Lengthening chains of command and channels of communication, resulting in blocked access to the top for medical professionals at middle levels.*
- *A host of bureaucratic procedures instituted to insure conformity to administration policies.*

This is not to say that the newly constituted department had no bright spots. Particularly successful seemed to be the state-funded, locally run programs dealing with mental illness and mental retardation. But they were few — and not attributable to consolidation. Even Reagan on leaving office declared his administration's attempt to get Medi-Cal under control a failure.

A new look

Enter Jerry Brown and his agent of reform, Robert Gnaizda, who was named acting director of the department. Gnaizda, a lawyer with no health-care experience, brought with him Bob Best, a bureaucrat known for straight-talking and clear-thinking — but also with no health background. Together they were charged with restoring order to the department. This lack of experience in the health field tended to compound already difficult problems. Though the two were interim appointees, even Gnaizda concedes today that the change did not help morale. The newcomers had, however, begun to listen to the dissatisfied professionals.

"The policy of the department we inherited was anti-patient and anti-physician," Gnaizda said. "The department was leaderless. There was no program. There was



incredible fear. No team spirit. I've never seen a group of such unhappy people. I heard such extraordinarily negative and contradictory things when I solicited comments about top personnel that I had to throw them all out. I decided no retribution, no firings. Some needed to be convinced. I didn't demand philosophical allegiance. I never met one person who I could say was doing deliberate harm to the department." But he admits defeat in his four-month effort to shape up the department. "I just didn't understand how hard it would be to turn that department around," he concluded.

Gnaizda's major contribution was the appointment of a new team to run the department permanently after his departure in April — a team led by a medical professional. But by then morale had further deteriorated. The keeping on of Reagan holdovers viewed within the department as medical "obstructionists" worked against the efforts of Gnaizda and Best. The final blow was struck with creation of two new top-level positions, seem-

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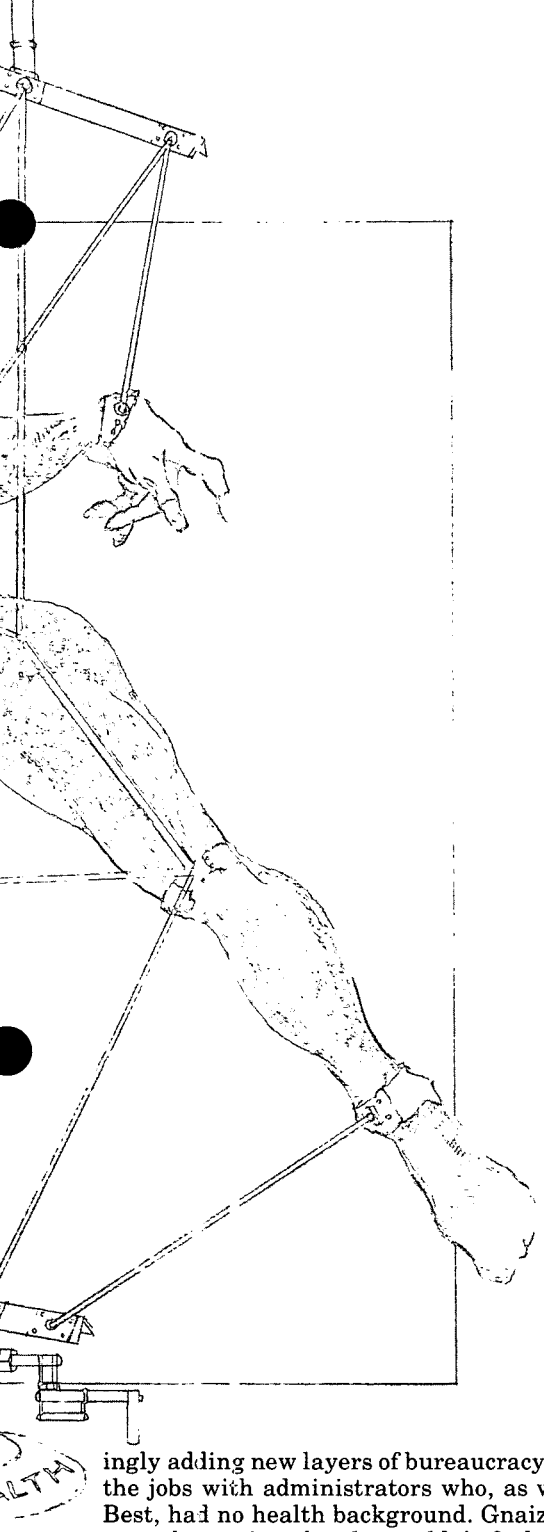

ingly adding new layers of bureaucracy, and the filling of the jobs with administrators who, as with Gnaizda and Best, had no health background. Gnaizda explained this move by saying that he couldn't find a doctor with the administrative experience to run such a large department and so split up the top post into three more-specialized positions.

But a physician was named to the top job — Jerome Lackner, a family practitioner from Santa Clara County. Lackner has an extensive background in preventive medicine, and he was also aware of the department's health-manpower problem. But he was inexperienced in public administration. So his initial top two aides were managers with reputations for reviving moribund bureaucracies — Stuart Snyder, an old Defense Department hand, and Richard T. Soderberg, a fiscal expert from the state Department of Finance. Both moved on to new jobs last month (Snyder to the Office of Narcotics and Drug Abuse, Soderberg to the Department of Rehabilitation), but they were succeeded by two more administrative people, specialists in public administration, Albert C. Brown and Jerold A. Prod. Brown specialized on the health-program budget in the Department of Finance; Prod was formerly acting director of the Department of Benefit Payments (née Welfare).

Sense of purpose

A reinvigorated department requires a sense of common purpose shared by top management and the program professionals. This could be Lackner's chief contribution, given his preventive-medicine approach and his awareness of the health-manpower problem. Moreover, Lackner claims not to be committed to keeping the department in its present form. ("The organization chart is not cast in concrete," he has said.) The Reagan reorganization was to Lackner, an "upheaval, not a reorganization" — and also "anti-intellectual, anti-scientific, and politically vindictive".

"People here are asking for change" he explained, "but we want it with knowledge. It won't come like the Messiah. Nor will it be guided by false nostalgia." But change there will be, he promised.

The task of reviving the bureaucracy, which had fallen to Snyder, was eased by the fact that his public-administration experience gave him a respect for those who staff government, and an appreciation of the constraints under which they operate. His successor has a similar orientation. "A good bureaucrat," Snyder suggested, "is like a good mechanic — he makes the wheels turn. But a bureaucracy is a set of wheels within wheels. When you turn one at the top, the one at the bottom doesn't respond immediately. Unfortunately, this department is caught up in larger social changes. Our world is becoming more and more complex, particularly the health field. And immediate response just isn't the way the world is."

Such words may salve some psyches among the medical professionals, such as the public-health doctors who complained: "In the old days, we bureaucrats got out a lot to meet with the people and our constituent groups. Since the reorganization, I can't get away from my desk. I'm always preparing crisis papers for top management. We've become 22,000 paper-shufflers."

The other chief deputy has the job of trying to administer Medi-Cal as efficiently as possible. As author of a Department of Finance study of Medi-Cal, Soderberg began work with some knowledge at least of what he was up against, and this, too, is true of his successor.

But the real answer to the Medi-Cal problem is that a program can't be run below its true market cost. What is needed in the longer term is a comprehensive health-care plan rather than continued preoccupation with fiscal or administrative methodology. Such a plan, as health-care consultant Steve Thompson suggested, will stress preventive medicine, development of needed health manpower, and adequate procedural guidance to participating hospitals, doctors and health agencies. The possibility of instituting a national health-care system, under which Medi-Cal services would be extended to all Californians, lends considerable urgency to the need for health-oriented reforms in the state's public-health operation.

Whether the new management can break down the internal obstacles and dissolve the distrust it has inherited from the Reagan years is still a matter of speculation. But the ailing department must be cured. The people of California cannot long afford to pay the bill for the department's neurosis.

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From a sure thing to let's-wait-and-see

Collective bargaining for California's public-school teachers may have been won at the expense of other public employees.

With Governor Brown's signing of Senate Bill 160 on September 22nd came a shift in his often-declared support for the principle of collective bargaining — a shift from active backing to let's-wait-and-see. Asked last month on a television edition of *California Journal* if enactment of the teachers' bargaining bill would help or hinder passage of a comprehensive act next year, Brown replied:

I'd like to see the problem dealt with, but we have a bill now, and I'm inclined to look at it and see how it works. . . . I'm recognizing the difficulty of making things work.

That stance buttressed the notion, held by some advocates of collective bargaining, that Brown had decided

not to push that particular issue early on in his administration and now was backing off farther from an increasingly politically charged issue. Brown himself insisted that he had not intervened more vigorously last spring because of more pressing matters (farm labor and hand-picking his administration appointees) and also out of regard for what he called "the co-equal branch".

In any case last March, when the forces behind the comprehensive approach favored by Brown were at full strength, the Governor's attention was elsewhere. In June, after farm labor had been dealt with and Brown vainly sought to strike a workable compromise, the tide had turned against the public employees under a wave of public-sector strikes rolling across the United States. This shift in public opinion was not lost on Brown, who observed:

I think ultimately we need a comprehensive solution. Whether we can put that together at the next legislative session I don't know. I think you have to give the proper weight to the legislative policy, and I can tell you that this year, despite a tremendous amount of effort, people did not want that bill. And unless there's some major change it's going to be very difficult next year.

Executive order

So, in a sense the teachers got theirs but local and state government workers have yet to get theirs. State workers may get some relief, however, from an administration more inclined to discuss wages and working conditions seriously with employee representatives than was the case under Ronald Reagan.

Brown's administration moved last month to underline that difference by creating an Office of Employee Relations within the Governor's domain. This shifted the point of coordination from the Agriculture and Services Agency, where it had been lodged by Reagan, to Brown's own office. In doing so, the Governor replaced a lengthy 1971 executive order outlining Reagan's "policy on employer-employee relations" with his own brief order. Brown's order created the new office, which is headed by Marty Morgenstern, formerly collective-bargaining expert for the California State Employees Association and, therefore, hardly an enemy of collective bargaining. And it left to Morgenstern the job of drawing up the specifics.

This does not mean that state employees will obtain collective bargaining by executive fiat. The George Brown Act governs how far the administration can move, and that act describes employer-employee relations in terms of meeting and conferring with no compulsion on management beyond listening to employee proposals. "We don't know how far we can go," Morgenstern said, but he indicated that his inclination (and apparently his boss') was to go as far as possible. This, he acknowledged, rules out collective bargaining and creation of a union shop but still leaves room to breathe more life into "meet and confer" than has hitherto been the case.

Whatever improvement this may hold for state employees will not be felt immediately, however. The 1976-77 budget is already well into the drafting stage, Morgenstern pointed out, so the soonest that the new approach could be tried would be in drawing up the 1978-79 budget. This would still be sooner than any legislative solution, since passage of a bill next year

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would most likely create a system that couldn't take effect before 1977 — too late for the 1978 budget.

Meanwhile, on the grassroots . . .

What of the workers closest to the taxpayers, the employees of local government? Until the Legislature does something to improve procedures for overcoming impasses, strikes against cities and counties will hardly become less frequent. The past year has taught that the question of whether the law should provide for strikes is essentially moot; when procedures for resolving conflict are inadequate, strikes will occur, legally or illegally.

Meanwhile, local government workers are covered by the 1968 Meyers-Milias-Brown Act. Though essentially the same as the acts governing state employees and, until now, school employees, the local-government version differs in one significant aspect: The ambiguous concept of "meet and confer" has been shored up by the addition of the precedent-pregnant phrase "in good faith". [See "Government as boss," *CJ* May 1974 for background on public employee-employer relations.] That is why so much hard bargaining has taken place at the grassroots, though management controls the initiative that makes any real negotiation possible.

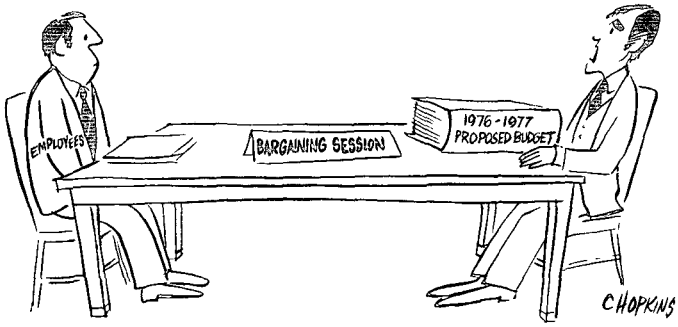
What is lacking, on this level as on the state level, is a detailed procedure, short of a walkout, for resolving disputes. The essential issues still boil down to three: What is open to bargaining, how conflicts are resolved, and who is covered. [For a detailed discussion of these points see "The collective-bargaining issues," *CJ* April 1975.]

But the biggest bind in resolving the disputes that have led to safety-worker and teacher strikes in recent months has not been any of those issues so much as the inability of local government to meet the pay demands put before them by employees hurt by inflation at a time when the recession has cut tax revenue. [As an example, see "Crisis in the firehouse," *CJ*, June 1975.] Resolving that fiscal problem will take more than collective-bargaining legislation. It gets into the area of re-evaluating programs and, as the Governor has become increasingly fond of saying, lowering expectations of what government can do. It is, in short, a crunch.

New rules for teacher

If that "crunch" is not relieved, the advent of collective bargaining for teachers may just boil down to new rules for squeezing blood from the same school turnip. But, since the Governor may regard SB 160 as a prototype law, its significance transcends the teachers and non-teaching employees and school districts it covers. [The accompanying box outlines the new act.]

With enactment of the Rodda act, teachers from kindergarten through community college, and other public-school employees as well, will be able to vote on union representation beginning in April and negotiate the terms of work, within certain limits, when the new act completely replaces the existing Winton Act on July 1st. (A lively competition for representation rights is already shaping up, in some districts more than in others, chiefly between the California Federation of Teachers AFL-CIO



Curt Hopkins — *The California State Employee*

'Under Rule One of my executive order, you are allowed one last chance to voluntarily lower your expectations.'

Collective bargaining for school employees

Here are the major provisions of Senate Bill 160, the only public-employee collective bargaining legislation enacted this year:

Specifies that "meeting and negotiating" is limited to wages, hours of employment, certain health and welfare benefits, leave and transfer policies, safety conditions, class size, and procedures for evaluating employees and processing grievances.

Creates the three-member Educational Employment Relations Board, appointed by the governor, independent of any existing agency, authorizes $300,000 for its operation, and sets the members' salaries at $36,000 and their terms at five years. (Initial appointments will be for one year, three years and five years to establish staggered terms.)

Authorizes the board, among other things, to rule on the appropriateness of units and scope of representation, conduct secret representation elections, investigate charges of unfair labor practices, and establish lists of qualified mediators, arbitrators and fact-finders for the use of disputing local public-school employers and employees.

Grants public-school employees the right to organize (or to refuse to participate in employee organizations).

Authorizes written agreements within the scope of representation and provides for binding grievance arbitration on disputes arising from them.

Requires both employers and employee groups to participate and negotiate "in good faith" in arriving at agreements and dealing with grievances.

Makes no mention of strikes, but spells out the following procedure for resolving an impasse: Mediation may be requested through the state board (at no cost to the local parties) or set up independently (at local cost); if mediation fails within 15 days, fact-finding is authorized to produce non-binding recommendations within 30 days.

The Legislature declares its intent in enacting this law to be:

To promote the improvement of personnel management and employer-employee relations within the public-school systems in the State of California by providing a uniform basis for recognizing the right of public-school employees to join organizations of their own choice, to be represented by such organizations in their professional and employment relationships with public-school employers, to select one employee organization as the exclusive representative of the employees in an appropriate unit, and to afford certificated employees a voice in the formulation of educational policy.

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and the California Teachers Association.)

The Winton Act specifies that school boards must "meet and confer" with their employees. This has meant a lot or a little, depending on the school board. The Rodda act, on the other hand, calls for "meeting and negotiating" to take place on wages and hours, certain health and welfare benefits, leave and transfer policies, safety conditions relating to work, and procedures for evaluating employees. It does provide teachers a voice in determining class size (an economic consideration since that depends on the enrollment divided by available faculty members), and it sets up a procedure for handling grievances arising out of the negotiated contract. But its scope is narrower than most teacher groups had sought.

The act says nothing about strikes. In that, it does nothing to change existing law.

Educational board

A new governmental institution is created by the Rodda act — a three-member Educational Employment Relations Board appointed by the governor and independent of any state agency. The board's function is to conduct secret representation elections, decide certain jurisdictional disputes and investigate charges of unfair labor practices. The act appropriates $300,000 for the first year operation of the board, beginning January 1st. (The act's provisions relating to the organizational rights of school employees become effective April 1st and the remaining articles take effect July 1st.)

Bill pending

While Governor Brown may opt to wait and see, the Legislature is free to act. Will it? Proposals did get through each house during the 1975 session, and these can be resurrected in 1976.

But a cautionary note should restrain any rekindling of the fires of hope in the breast of collective-bargaining partisans. Legislative Analyst A. Alan Post last month declared himself opposed, even in principle, to the practice, and Post's influence with the lawmakers is not insignificant. Coupled with a continued absence of executive leadership, the "co-equal" branch may be even less able to deliver on such a controversial issue in an election year. After all, it couldn't do so in this year in which passage, at the outset, appeared to be not a question of "if" so much as "when."

This time around the question might better be "if *and* when". — BRUCE KEPPEL

More funds for housing as cities line up for aid

When AB 1x creating the California Housing Finance Agency was signed into law last summer, the $950-million authorization it contained actually yielded only $100 million immediately. An additional $500 million awaited approval by the voters in a bond election to be held in November 1976. [See "The short-changed housing act," *CJ*, August 1975.] Action by the federal government since passage has now raised the effective available bonding capacity to $400 million of the $450 million authorized apart from the bond election.

The problem had been that, in today's chancy bond market, brokers wouldn't touch the so-called municipal bonds without some sort of guarantee, and AB 1x carried with it only a $10-million guarantee to bond-buyers; this is sufficient to back about $100 million in bonds. By putting to use the mortgage insurance of the Federal Housing Administration, however, the state's bonding capacity is increased by $200 million — up to the limit of the tax-exempt authorization contained in AB 1x of $300 million.

This breakthrough holds the greatest potential for what local government considers its top priority in the housing field — neighborhood preservation. [See, in this regard, "How many urban pioneers," *CJ*, September 1975.] According to Robert Klein, principal consultant of the Joint Legislative Committee on Housing and Community Development, this financing technique was validated in August when Minnesota sold $9 million of bonds for this sort of neighborhood rehabilitation at an average net interest rate of 6.75 percent — an eventuality provided for in AB 1x, putting California in a good position to move into this field, in which a number of California cities are said to be ready to act. The semi-autonomous California Housing Finance Agency, which has as acting director Pat Goeters, formerly deputy director of the Massachusetts Housing Finance Agency, already had 50 projects under consideration in October.

Said Klein: "While it may still not be a 'billion-dollar shot in the arm to the housing industry' [as proclaimed by Governor Brown on signing the legislation], the potential is there for a $400 million startup effort."

Selected government reports

LOCAL GOVERNMENT

California County Fact Book 1975; County Supervisors Association of California. October 1975. (200 pp., $10.60, tax included) A compilation of statistics on California counties, including their structure, resources, finance, transportation, business and industry, and systems of justice. Available from CSAC, 11th & L Building, Suite 201, Sacramento 95814.

Training for Municipal Government Officials and Personnel: An Overview of Resources and Techniques — Problems and Prospects; National League of Cities. 1975. (93 pp. $5.) Problems and approaches in training, coordination with municipal needs and adequate funding. Available from the league, 1620 I St. N.W., Washington, D.C. 20006.

Los Angeles Business & Economics; a new quarterly, published by the School of Business and Economics, California State University, Los Angeles 90032. Deals with such issues as oil and energy, collective bargaining, environmental impact statements, and business management.

URBAN AFFAIRS

Public Affairs Report, Vol. 16, No. 4; Institute of Governmental Studies, UC Berkeley. A 7-page paper based on Willard T. Chow's doctoral dissertation on the re-emergence of the inner city, with emphasis on San Francisco's East Bay Area. Free, 109 Bernard Moses Hall, Berkeley 94720.

TRANSPORTATION

Alternative Futures for California: An Aid for Transportation Planning and Decisions: Office of Transportation Policy Planning. September 1975, 59 pp. A new publication on probable future transportation conditions, as an aid to up-dating state and regional plans. Available from the department, 1120 N. St., Sacramento 95814.

STATE GOVERNMENT

1976 Suggested State Legislation; Council of State Governments. A review of measures especially useful for state officials. August 1975. (185 pp. $6.50 plus tax) Available at 85 Post St., Suite 400, San Francisco 94104.

Libertarian Ratings of California Legislators; Libertarian Party of California. California legislators' voting records on economic and civil-rights legislation for six months ending June 1975. (13 pp. $1.00) Obtainable from P.O. Box 71383, Los Angeles.

California's 1974 Political Reform Act: The Implementation and Impact of Proposition 9; Institute of Governmental Affairs, University of California at Davis 95616. Sept. 1975. (64 pp. $2, plus tax.) Proceedings of a workshop. Available from the Institute as California Government Series II, No. 5.

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1975 SESSION SUMMARY key bills signed and vetoed

BROWN'S LEGISLATIVE PROFILE

If Governor Brown is right, that his political philosophy can be most accurately described from what he is and what he does, then his disposition of the flood of bills sent to his desk by the Legislature this year should be an excellent indicator. Based on Brown's signatures and veto messages, it may now be possible to pigeon-hole the philosophy of the man who has been described as almost everything from a Reagan conservative to a Garbo populist (the latter by a British journalist, and only he seems to know what the term means, if anything).

Brown clearly is not a liberal, at least in the common political understanding of the term. He opposes expansion of government and feels strongly that government is not the solution to all problems. In fact, he says, people must realize that some problems defy solution. On the other hand, the Governor may well be called a conservative. He is tight with the buck, against big government and takes some hard-line stands on crime.

A Libertarian?

But Brown may be closest to being a Libertarian — one who believes that the economic system ought to be left alone, that government should stay out of the lives of people as much as possible and that victimless crimes should be wiped off the statute books. At least that's what a reading of the veto messages would indicate. But, above all, Brown has shown a proclivity toward inconsistency (which he considers a virtue); thus, it would be unfair at any point to pin Brown down to a specific philosophy.

In his first session, Brown received 1,433 bills. He signed 1,183 into law and allowed 102 to become law without his signature. He vetoed 148 or about 10 percent. This compares with 171 vetoes for Ronald Reagan's first year in office (and 198 for Reagan's last). (The veto record was set in 1925 by the conservative Republican, Friend W. Richardson, who vetoed 529 measures.) But Reagan was a Republican passing on bills handed him by a Democratic Legislature. Brown was, theoretically, a liberal Democrat working with a liberal Democratic Legislature.

Privacy veto

Many of Brown's veto messages carry the theme that the purposes of the bills mandating state operations can better be carried out by local government, administrative action or private enterprise. The Governor himself studied virtually every bill and obviously wrote many of the veto messages personally. In some cases, Brown put key aides to work analyzing bills minutes before he had to sign or veto measures.

This was the case, for example, with the Moscone-Carpenter Information Practices Act designed to restrict the kind of information kept on individuals by state and local government. Although Brown agreed with the thrust of the bill, he vetoed it upon the advice of his aides [see message below]. The American Civil Liberties Union's Benjamin Bycel reacted this way: "It's a strange day when a so-called civil libertarian governor vetoes a privacy bill and yet a conservative politician like Jerry Ford signs a privacy bill."

That's the trouble with trying to pin a political label on Jerry Brown.

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vetoed

What follows is a sampling of bills Governor Brown vetoed, with the reasons he gave for doing so:

CRIMINAL JUSTICE

SB 1137 *(Deukmejian)* – Would make permanent the California Crime Technological Research Foundation.

At present, I am in agreement with the Legislative Analyst that the CCTRF should be abolished as a separate criminal-justice planning and research organization and its functions should be transferred to the Office of Criminal Justice Planning to avoid unnecessary administrative duplication.

AB 1507 *(Sieroty)* – Would require the Adult Authority to set a parole date within a specified time for all prisoners except those convicted of first-degree murder.

The Adult Authority is now . . . developing procedures to accomplish much of what is intended by this bill. Codification is therefore premature.

AB 1529 *(Sieroty)* – Would require a court order before placing a prisoner in solitary.

I believe it is premature and possibly unwise to set forth in statute procedures affecting prison discipline.

EDUCATION

AB 240 *(Vasconcellos)* – Would create a committee to nominate to the governor appointees to the State University and College Trustees and the Community College Board of Governors.

I just don't see the public good to be accomplished by creating yet another advisory council with no binding power and therefore no final responsibility.

AB 268 *(Murphy)* – Would authorize county boards of education to acquire buildings without a vote of the people.

We have a tradition of letting the voters decide whether schools need new buildings. This bill would shift that power to a county board of education. Nothing I have seen yet suggests that this is what the people want.

AB 995 *(Lockyer)* – Would revise the child-development law to include preschool programs as well as child care.

This bill places virtually all child-care responsibility in the hands of . . . the Department of Education, therefore foreclosing the development of alternative models . . . .

AB 1554 *(Meade)* – Changes the law allowing college administrators to remove persons from campuses for certain disruptive acts.

This bill is intended to codify judicial interpretation of the Mulford Act and mitigate certain of its provisions. Unfortunately, it creates more problems than it solves.

AB 2001 *(Hayden)* – Would raise the maximum student fee at the California State University and Colleges for building and running student unions to $40, from $20.

These are tough economic times. Doubling student fees for anything but high-priority needs is inappropriate.

GOVERNMENT ORGANIZATION

AB 373 *(Z'berg)* – Creates an 11-member Capitol Planning Commission to develop a Capitol-area master plan.

A committee is already at work preparing a revised Capitol plan for legislative consideration early in the next session.

SB 1189 *(Moscone)* – Would create a Department of Tourism and Motion Picture Development with a $175,000 appropriation.

There is no credible evidence that a special state bureaucracy . . . can promote tourism more effectively than the Chamber of Commerce and local business. The vitality of our system depends on business doing for itself as much as it can before seeking government help.

LOCAL GOVERNMENT

AB 61 *(Keysor)* and **AB 751** *(Perino)* Would fill vacancies on county boards of supervisors by election or appointment by the remaining supervisors rather than through appointment by the governor.

Existing law adequately handles the problem of filling vacancies on boards of supervisors.

AB 122 *(MacDonald)* – Would authorize the state to pay 25 percent of the cost of the recreational features of local flood-control projects.

In view of the mounting pressure for state funds, support for worthy projects such as these must be left to local government, except in extraordinary circumstances.

SB 209 *(Grunsky)* – Would delete the requirement that the formal name of a garbage and refuse disposal district contain the words "garbage and refuse disposal district".

The present law states the case. I see no compelling reason to sanction yet another governmental euphemism.

AB 406 *(Lancaster)* – Would allow funds from a local property-tax override election to be earmarked for specific purposes.

This bill is designed to increase property taxes under the guise of a special fund. In point of fact, a tax increase, by whatever name, is just that and nothing more.

HEALTH AND WELFARE

SB 204 *(Gregorio)* – Would increase alcoholic-beverage taxes $36 million to pay for anti-alcoholism programs.

I pledged to veto all general tax increases proposed during my first year in office, and this tax looks very general to me.

AB 342 *(Kapiloff)* – Would authorize free physical examinations annually for Medi-Cal recipients 62 or older.

Under present law, such persons are entitled to two medical visits a month at which time their doctors may diagnose, examine and prescribe whatever is needed in accordance with accepted medical standards.

CLARIFICATIONS

The ratings for legislators listed under the State Building and Construction Trades (SBCT) in the September issue were compiled by the authors of "The 1974 Rating Game", Joan Reiss and Rob Scheideman, from a list of bills sponsored by the AFL-CIO organization and roll calls on the measures. The ratings were not compiled by the labor association.

In last month's Senate voting records, the roll call on AB 1333 was a vote on *amendments* to the measure and not on passage of the bill itself.

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PRIVACY

SB 852 *(Moscone)* – Would restrict the maintenance of personal information by state and local government.

This bill contains provisions which are entirely too complex and the commission which it creates I fear will add another unneeded bureaucracy to our government.

AB 1429 *(Sieroty)* – Would prohibit governmental agencies from obtaining access to individual or corporate bank records, except under specified conditions.

In its attempt to protect the privacy of bank records, AB 1429 effectively destroys the ability of administrative agencies to protect the consumer, while falling far short of its stated goal.

AB 1607 *(Montoya)* – Would require a doctor to reveal information about a patient if a deceased patient became the subject of a coroner's inquiry.

To . . . permit a coroner to probe at will the communications which occurred between a deceased and his doctor is not only bad medicine, it is bad government. This society collects too much data, often at the detriment of a person's right to privacy.

STATE EMPLOYEES

AB 479 *(Zenovich)* – Would require state departments to establish an "upward-mobility" system so that clerical workers could advance into professional ranks.

I deeply believe in the right of all persons to realize their full potential, but I am not ready to codify the provisions of this bill. It is based on certain premises which I question. Every job worth doing in our society has inherent dignity.

AB 914 *(Greene)* – Would allow state workers to enjoy flexible working hours under the so-called flex-time plan.

I agree that in appropriate circumstances flexibility in scheduling . . . will help lessen traffic congestion . . . and contribute to employee morale and productivity. However, these objectives can more effectively be achieved under existing law.

TRANSPORTATION

AB 446 *(Cline)* – Would require the Department of Transportation to award contracts for specified highway projects.

This bill requires that contracts be let for a mixed bag of highway projects regardless of priorities and irrespective of whether there is money available. Such an approach is clearly inconsistent with sound management of public money.

AB 577 *(Duffy)* – Would require all new autos sold starting in 1978 to be equipped with a device indicating when the mileage-counter had passed 100,000 miles.

Requiring auto-makers to add a new gadget . . . may be nice. It certainly is not necessary. The need for this accessory is more properly decided by the market, not the state government.

MISCELLANEOUS

AB 253 *(Lockyer)* – Requires Senate and Assembly confirmation of gubernatorial appointees to fill vacancies in state constitutional offices.

The present method of filling vacancies . . . has worked well for over a century. Why change it now?

SB 390 *(Berryhill)* – Would ease noise-level requirements for some motor vehicles.

I am unable to find sufficient justification for relaxing state noise standards in the manner prescribed by this bill.

SB 492 *(Berryhill)* – Would repeal the state's authority to set minimum wholesale milk prices.

The social benefit of state intervention is presently under review by this administration. Since no conclusion has yet been reached, it is necessary for the director of Food and Agriculture to retain his present discretionary authority to suspend minimum milk pricing.

SB 866 *(Presley)* – Bans employment discrimination based on age, instead of against those only between 40 and 64.

We should allow adequate time for the Fair Employment Practices Commission to work against age discrimination under recently enacted law, particularly in the 40-to-64 age group. The past record indicates that another rapid expansion in jurisdiction may well be illusory.

Reforming the 'reformed' primary ballot

California Democrats won't be faced with an unintelligible presidential primary ballot next June after all. Before a complex plan adopted in 1974 by the Legislature was even tried at the ballot box, lawmakers decided to make a major change in the way Democrats select their own delegates. [See "The incredibly complex 'reformed' ballot," *CJ*, March 1975.

Under the old plan, both presidential aspirants and slates of candidates for delegate would have appeared on the ballot. The vote for presidential preference would have been strictly a popularity contest with no bearing on the delegation. Voters then would choose from among candidates for delegates offered by slate in each congressional district, and slates could have been broken. The delegates chosen by this method would in turn convene to add more delegates in proportion to those chosen by the voters.

Confused? Join the club. That's why the Legislature decided that the system would not work and needed immediate remedy. Here is what was done in SB 2388 by the author of the 1974 bill, Senator Alfred Alquist:

- Only the names of presidential candidates or chairpersons of uncommitted delegations will appear on the ballot.
- Delegates for each candidate will be nominated in congressional district caucuses.
- After the election, the secretary of state will apportion the delegates roughly in proportion to the votes received by the presidential candidates.
- Any candidate receiving at least 15 percent of the vote in any congressional district will receive at least one delegate.

This system is designed to meet the requirements the national Democratic Party adopted following the McGovern-Humphrey conflict over the California delegation three years ago.

The Republican Party will retain the winner-take-all system under AB 427 by Assemblyman Frank Murphy. Both parties will have open primaries with recognized candidates placed on the ballot by the secretary of state. Other candidates or uncommitted delegations can qualify by petition.

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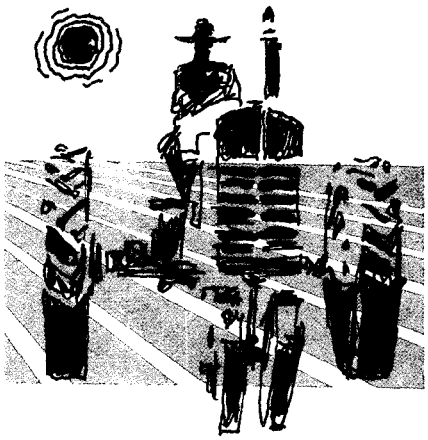
signed

The following is a selection of legislation signed into law by Governor Brown or allowed to become law without his signature. Most legislation will take effect on January 1, 1976. The exceptions are urgency measures and bills with specific effective dates. Major constitutional amendments placed on the ballot by the Legislature are also included.

AGRICULTURE

Farm labor. *SB 1XX (Dunlap)* – Enacts the Agricultural Labor Relations Act establishing a mechanism for settling agricultural labor disputes. **Farm workers.**



AB 118 (Fenton) – Extends unemployment-insurance coverage to farm workers, with the date for first claims set at August 1, 1976. **Elm disease.** *AB 1874 (Thurman)* – Appropriates $950,000 for an urgency program to combat Dutch elm disease.

CONSTITUTIONAL AMENDMENTS

Bingo. *ACA 3 (Greene)* – Legalizes bingo games for charitable purposes at the option of local government. **Business taxes.** *SCA 1 (Dunlap)* – Changes the vote necessary to raise bank and corporation taxes from two-thirds to a simple majority of the Legislature. **Insurance taxes.** *SCA 12 (Roberti)* – Eliminates home-office tax deduction for insurance companies. **Usury.** *SCA 19 (Greene)* – Makes the usury rate 7 percentage points above the rediscount rate of the Federal Reserve Board or 10 percent, whichever is higher.

CONSUMER AFFAIRS

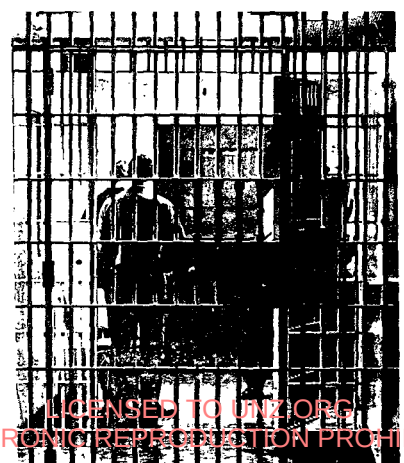
Lifeline. *AB 167 (Miller)* – Requires that a "lifeline" rate be established for a basic quantity of gas and electricity needed by the average household. **Drug sales.** *AB 193 (Keene)* – Permits a pharmacist under certain conditions to substitute a generic drug for a prescribed brand-name version. **Groceries.** *SB 261 (Roberti)* – Requires pricing each grocery-store item, even if marked for an automatic checkout system. **Political literature.** *SB 334 (Alquist)* – Bars a public utility from including certain political literature with a customer's bill. **Information.** *AB 601 (Lewis)* – Enacts the Investigative Consumer Reporting Agencies Act and grants consumers certain rights pertaining to information compiled about them. **Fair trade.** *AB 1109 (McAlister)* and *SB 669 (Carpenter)* – Repeals fair-trade laws in California, except for alcoholic beverages.

CRIMINAL JUSTICE

Pot penalties. *SB 95 (Moscone)* – Lowers the penalty for possession of small amounts of marijuana. **Guns and crime.** *SB 278 (Deukmejian)* – Imposes mandatory prison sentences for persons convicted of using firearms in the commission of major crimes. **Heroin sales.** *SB 268 (Robbins)* – Provides for mandatory prison terms for persons convicted of selling half an ounce or more of heroin. **Delinquency.** *AB 432 (Keane)* – Eliminates juvenile-court jurisdiction over children "in danger of leading an idle, dissolute, lewd or immoral life". **Consenting adults.** *AB 489 (Brown)* – Repeals criminal penalties for certain sex acts performed in private by consenting adults.

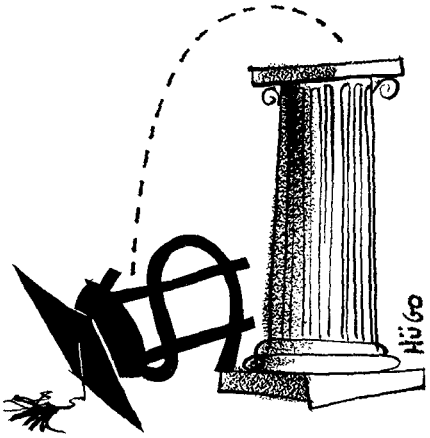
Jury duty. *AB 681 (Siegler)* – Eliminates categorical exemptions from jury duty. **Safe streets.** *AB 960 (Sieroty)* – Designates the Office of Criminal Justice Planning as the state planning agency for federal anti-crime funds; and revises the California Council on Criminal Justice. **Defender.** *SB 1018 (Song)* – Creates the office of state public defender, appointed by the governor, subject to Senate confirmation, with the same salary as the attorney general. **Phone calls.** *AB 1199 (Torres)* – Allows an arrested person to make two free local telephone calls instead of one. **Student searches.** *SB 1153 (Presley)* – Protects students in dormitories from illegal search and seizure. **Prostitution.** *AB 1436 (Torres)* – Applies the law equally to men and women in prostitution cases.

Waiting period. *AB 1441 (Murphy)* – Increases from five days to 15 the waiting period between purchase and delivery of a handgun bought from a dealer. **Prisoner rights.** *AB 1506 (Sieroty)* – Deprives prisoners of only those rights necessary for reasons of security and protection and enumerates prisoner rights. **Simpson Act.** *AB 1967 (Sieroty)* – Repeals the so-called Simpson Act prohibiting picketing in the Capitol.



EDUCATION

Physical education. *SB 16 (Gregorio)* – Exempts 11th- and 12th-grade students from mandatory physical education requirements. **Bargaining.** *SB 160 (Rodda)* – Establishes a system of collective bargaining for public-school employees. **School smoking.** *SB 171 (Gregorio)* – Allows schools to permit smoking on high-school or community-college campuses. **School aid.** *SB 220 (Rodda)* – Appropriates $88 million in additional aid to public schools ($115 million as passed by the Legislature, trimmed to $88 million by the Governor).



Student trustee. *SB 534 (Marks)* – Adds a college student to the State University and Colleges Trustees. **Martin Luther King.** *SB 637 (Holden)* – Requires schools to observe January 15th, Martin Luther King's birthday, with suitable exercises commemorating the civil-rights movement in the United States. **Corporal punishment.** *AB 1267 (Egeland)* – Bans corporal punishment of students without parents' written permission. **Athletics.** *AB 1559 (Wornum)* and *SB 1213 (Smith)* – Prohibit using public funds for school-sponsored athletic programs that discriminate on a basis of sex.

ELECTIONS

Advertisements. *AB 191 (Z'berg)* – Requires that paid political announcements in newspapers be so labeled. **Elections.** *SB 145 (Alquist)* – Designates the secretary of state as chief elections officer and defines the duties. **Democratic primary.** *SB 288 (Alquist)* – Revises procedures for conducting the Democratic presidential primary to eliminate separate voting for presidential preference and delegate selection. **Republican primary.** *AB 427 (Murphy)* – Implements Proposition 4 (1972) establishing Oregon-style GOP presidential primary. **Register by mail.** *AB 822 (Keysor)* – Authorizes voter registration by mail, starting July 1, 1976. **Party funds.** *AB 1597 (Berman)* – Establishes procedure under which party cen-

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tral committees may provide fund-solicitation envelopes for mailing with sample ballots. **Voting screens.** *AB 1702 (Maddy)* - Requires that voting booths be equipped with screens to shield voters.

EMPLOYMENT

Unemployment fund. *AB 91 (McAlister)* – Increases taxes for unemployment insurance and raises the maximum weekly benefit to $104, from $90. **Arrest records.** *AB 255 (Dixon)* – Bars employers from asking job applicants for information on arrests that did not result in convictions. **Election day.** *SB 311 (Beilenson)* – Repeals election-day holidays for state and certain local-government employees. **Strikebreakers.** *SB 719 (Roberti)* – Makes it a misdemeanor for an employer to hire a professional strike-breaker. **Labor disputes.** *SB 743 (Moscone)* – Prohibits courts from enjoining or restraining certain picketing activities by unions.

ENVIRONMENT

Offshore oil. *AB 180 (Goggin)* – Imposes a moratorium through the end of 1977 on laying pipelines across state tidelands. **Timber harvesting.** *SB 476 (Collier)* – Exempts timber-harvesting plans

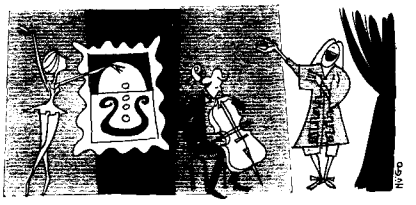
from environmental-impact-report requirements until January 1, 1976. **Mining.** *SB 746 (Nejedly)* – Controls surface-mining operations and provides for reclaiming of mined lands. **Flip-tops.** *AB 1037 (Z'berg)* – Bans the sale of flip-top beverage cans in California after January ., 1979.

FINANCE

School bonds. *AB 32 (Greene)* – Places a $200 million school-bond issue on the June 1976 ballot. **Water bonds.** *AB 121 (MacDonald)* – Places a $175 million water-bond issue on the June 1976 ballot. **College bonds.** *SB 156 (Rodda)* – Places a $150 million community-college-construction bond issue on the June 1976 ballot. **State budget.** *SB 199 (Beilenson)* – Enacts the annual state budget, totalling $11.4 billion, following the veto of $100 million. **Cal-Vet bonds.** *AB 1782 (Z'berg)* – Places a $500 million Cal-Vet farm-and-home bond issue on the June 1976 ballot.

GOVERNMENT ORGANIZATION

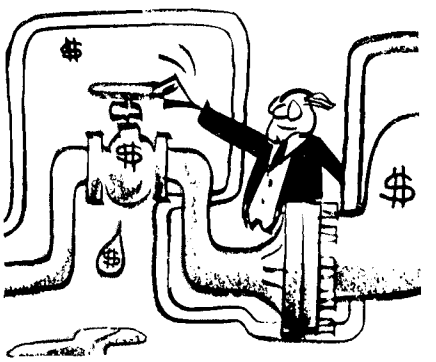
Economic development. *SB 55 (Song)* – Extends the life of the Commission for Economic Development to June 30, 1977. (Became law without signature of the Governor, who expressed serious doubts about the commission's worth.) **City vacancies.** *SB 478 (Smith)* – Allows a city council to fill a vacancy in an elective office through appointment or special election. **PUC executive.** *AB 496 (Duffy)* – Makes the executive director, rather than the president of the Public Utilities Commission, its chief administrative and executive officer. **State Bar.** *AB 590 (Berman)* – Adds six non-attorney members to the 15-member Board of Governors of the state Bar, and requires generally that its meetings be public. **Arts commission.** *SB*



1024 (Zenovich) – Creates a nine-member state Arts Council, replacing the 15-member Arts Commisison, and grants it $700,000. **Ethnic balance.** *AB 1455 (Vasconcellos)* – Makes it state policy that boards and commissions reflect the composition of the general public.

HEALTH AND WELFARE

Malpractice. *AB 1xx (Keene)* – Makes sweeping changes in medical-malpractice procedures. **Relatives' responsibility.** *SB 46 (Dills)* – Repeals the state's right to charge adult children for parents receiving welfare benefits. **School meals.** *SB 120 (Moscone)* – Appropriates $9.5 million to provide needy children with a hot meal daily at school. **Contraceptives.** *SB 395 (Beilenson)* – Allows minors to obtain contraceptives without parental consent. **Sexual abuse.** *AB 2288 (Vasconcellos)* – Requires the Health Department to establish a demonstration center for the prevention of the sexual abuse of children. **Health plans.** *AB 138 (Knox)* – Establishes a licensing and regulatory system for health-care plans.

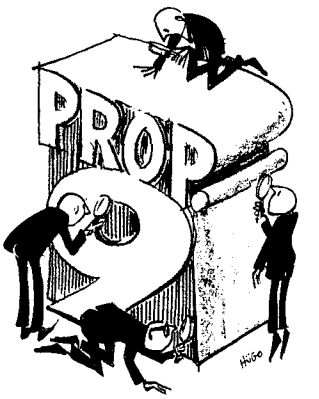


HOUSING

Housing program. *AB 1x (Chacon)* – Creates the Housing Finance Agency and makes funds available from several sources to finance its operations. **Housing insurance.** *SB 4x (Gregorio)* – Authorizes the above new agency to provide an insurance program for rehabilitating, refinancing or purchasing residential structures through lenders. **Housing discrimination.** *SB 844 (Petris)* – Extends the Rumford Fair Housing Act to discrimination based on sex or marital status. **Tenants.** *SB 1127 (Petris)* – Requires inclusion of housing authority tenants on local housing commissions.

POLITICAL REFORM

Commissioner. *AB 872 (Burke)* – Places the same disclosure and gift requirements on members of the Fair Political Practices Commission as apply to members of the Legislature. **Influencing legislation.** *AB 905 (Vasconcellos)* – Bars state employees attempting to influence legislation from making gifts of more than $10 a month to elected state officials or legislative officials. **Financial disclosure.** *AB 959 (Badham)* – Extends the financial disclosure provisions of the Political Reform Act of 1974 (Proposition 9) to additional state and local officials.



SECRECY

Open meetings. *SB 1 (Moscone)* – Broadens the state open-meetings law. **Open records.** *AB 23 (Ralph)* – Makes certain records in the governor's office, courts and Legislature open to public inspection. **Public hearings.** *AB 725 (Robinson)* – Prohibits the Public Utilities Commission from holding unauthorized secret meetings.

TAXATION

Oil depletion. *AB 177 (Lockyer)* – Eliminates the oil-depletion allowance. **Plates.** *AB 931 (Boatwright)* – Abolishes free license plates for vehicles owned by California banks. **Tax breaks.** *AB 1206 (Boatwright)* – Tightens minimum tax rates for tax-sheltered income known as preferential income. **Delinquent taxes.** *AB 2306 (Lockyer)* – Increases the interest rate on delinquent state taxes to 1 percent, from .50 percent a month.

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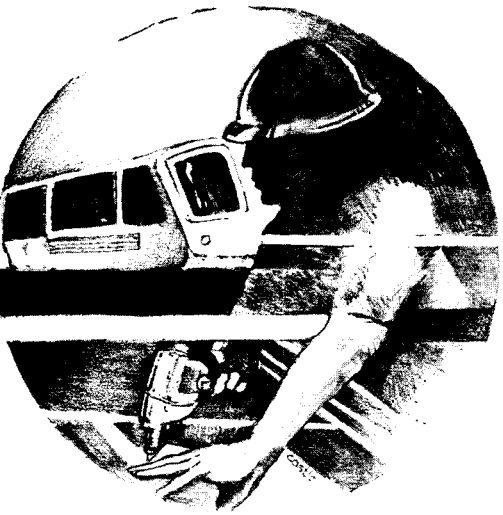

TRANSPORTATION

NOx devices. *SB 41 (Rains)* – Repeals the requirement that NOx smog devices be installed on all 1966-70 autos in the South Coast Air Basin. **Parking tickets.** *SB 192 (Roberti)* – Requires the Department of Motor Vehicles to refuse to renew the registration of any vehicle having outstanding parking tickets. **Transit design.** *SB 580 (Mills)* – Permits the state Department of Transportation to design, build, operate or maintain mass-transit facilities and certain aviation facilities. **Toll rates.** *AB 664 (Foran)* – Gives the Metropolitan Transportation Commission, rather than the Toll Bridge Authority, the right to set toll rates on San Francisco Bay Area bridges. **Smog device fee.** *AB 683 (Sieroty)* – Establishes a maximum charge for certifying autos as exempt from having NOx devices.

Traffic tickets. *AB 767 (McVittie)* – Makes it easier to pay traffic tickets when cited away from home. **Speed limit.** *AB 936 (Ingalls)* – Continues the 55-mile-per-hour speed limit until June 30, 1978. **Driver's licenses.** *AB 2094 (Lanterman)* – Removes the right of the Department of Motor Vehicles to refuse a license to anyone who is "insane, feeble-minded, an idiot or imbecile"; instead, the DMV could refuse licenses to those with incidents of marked confusion or lapse of consciousness within the past three years.

MISCELLANEOUS

Illegitimacy. *SB 347 (Beilenson)* – Eliminates distinctions in the law between legitimate and illegitimate children. **Public television.** *AB 525 (Goggin)* – Creates Public Broadcasting Act and appropriates $183,000 for public-broadcasting projects in 1975-76. **Legislative pay.** *SB 610 (Senate Rules Committee)* – Increases the annual salary for a legislator to $23,232, from $21,120, effective December 6, 1976. **Cal-Vet loans.** *SB 1171 (Petris)* – Increases the maximum home loan under the Cal-Vet program to $35,000, from $25,000. **Capitol building.** *AB 2071 (Ralph)* – Provides $43 million to restore the old Capitol and relocate the treasurer's office. **Corporations code.** *AB 376 (Knox)* – Enacts a complete revision of the corporations code.

NEWSMAKERS

How the mighty are falling

Eight of 11 criminal charges were dismissed against Republican Congressman **Andrew J. Hinshaw** of Orange County, leaving three felony bribery counts standing. Hinshaw, former Orange County assessor, is scheduled to be tried November 10th.

Former state Senator **Richard J. Dolwig** was sentenced to five years in prison for participating in a fraudulent real-estate financing scheme. United States District Judge **Samuel Conti** said that the law must be "collar blind as well as color blind" .... Former Governor **Ronald Reagan** is helping his one-time lieutenant governor, **Ed Reinecke,** raise funds to pay bills resulting from Reinecke's unsuccessful defense of perjury charges last year.

The State Pollution Control Financing Authority approved a $660,000 loan allocation to a plastics company owned by the family of Assemblyman **Jim Keysor** of the San Fernando Valley .... The *Los Angeles Times* revealed that a lobbyist, **Charles A. Woelfel** of the California Moving & Storage Association, provided $444.75 worth of free moving service last year to Senator **James E. Whetmore** of Orange County.

Following a 100-day search, the Los Angeles County Board of Supervisors named federal Public Defender **John K. Van de Kamp,** 39, to succeed the late **Joseph Busch** as the county's district attorney .... **Robert J. Spiegel** of San Francisco was elected president of the California State Employees Association. **Walter W. Taylor,** removed as CSEA general manager, is suing the organization for refusing to return him to his former position on the legal staff.

Assembly Speaker **Leo T. McCarthy** named Republican **Ken Maddy** of Fresno chairman of the Assembly Human Resources Committee after Republican **Dixon Arnett** of Redwood City resigned from the post. Arnett, who had been given the chairmanship only a few weeks ago, also serves as GOP whip, and he reported that he had "encountered flak" from conservative Republicans for accepting the job from the Democratic Speaker.

Two former Assembly speakers are heading the California campaigns of Democratic presidential candidates. **Jesse Unruh** is working for Senator **Henry Jackson** and **Bob Moretti**'s in the corner of Senator **Birch Bayh** .... **Stewart Spencer,** veteran Los Angeles campaign consultant, was appointed political director of President Ford's campaign. He recruited **Peter Kaye** of San Diego, an experienced journalist and campaign communicator, as press secretary for the Ford committee.

Firemen's organizations attacked the appointment of **Philip C. Favro,** a lieutenant in the San Francisco fire department, as state fire marshal. Favro was a classmate of the Governor. Other Brown appointments: **John A. Martin Jr.** of San Rafael, a former Urban League executive, to chair the Fair Employment Practices Commission; **Edward V. Roberts** of Berkeley, paralyzed by polio for 22 years and a member of the Peace and Freedom Party, to direct the Department of Rehabilitation; **Sim Van der Ryn,** a professor of architecture at the University of California in Berkeley, to be state architect.

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• SILLAS •

putting a SMILE on the bureaucracy

• IN THE DRIVER'S SEAT •

By VONNIE J. MADIGAN

"It's going to take a long time before [government] can affect the life of the person on the street corner – the guy on First and Soto, who has been busted twice and has got no job. What difference does it make to him whether Herman Sillas is the director of the DMV or anything else? He doesn't even know Herman Sillas."

Herman Sillas keeps reminding himself of that fact. The new director of the Department of Motor Vehicles has nonetheless jarred, in several colorful gestures, the staid DMV image five points this side of human. Concurrently, he has put the department — and himself — into statewide print.

Taking WE CARE as his motto, Sillas has initiated multilingual services, supported the first child-care center for department employees, opened conference rooms to the public, and hosted a mixture of community-service activities -- all done with a minimum of added expense. Making something from nothing is not new to Sillas. "When you have been without money, when you have been without anything, you learn to do things without anything," he says.

Mr. Nice Guy

Who is Herman Sillas, and why is he doing these things to the state Department of Motor Vehicles? He is a painter, writer, politico, teacher, lawyer and advocate-turned-administrator. He is a 41-year-old, slightly greying Mexican-American attorney and civil-rights activist who is often called a "helluva nice guy". "Herman is the kind of guy who likes to be in the middle of things," said Ray Gonzales, former state assemblyman and now director of the Office of Educational Liasion in the state Health and Welfare Agency. "It's amazing how he's making DMV exciting." A critic is less charitable: "There was a sigh of relief in Los Angeles when Herman was appointed DMV chief instead of a Superior-Court judge."

The author has previously written on the California Chamber of Commerce and horse-racing for the Journal.

Sillas is also claimed to be a "brown face" "used" by the Democrats but, as his friends point out, Herman has paid his political "dues". He was first vice president and founding board member of the Mexican-American Legal Defense and Educational Fund. He presently chairs the state advisory committee to the U.S. Civil Rights Commission. He served on the appointment-selection committee of both Los Angeles Mayor Tom Bradley and Governor Brown. Sillas served as secretary for the California Democratic Party from 1970 to 1974. He was organizer and first chairman of the California Democratic Chicano Caucus. He was also an unsuccessful candidate for state controller in 1970 and secretary of state in 1974.

Bureaucrat or politics?

Whether Sillas' present appointment is tokenism or not, he maintains that what he does will make it easier for Chicanos to get into other management positions not previously open to them. "I have been offered the opportunity to get into the establishment to see if anything can be done," he says. If I didn't take it, then in good conscience I could never take the establishment on again."

Sillas points out that DMV is the only state department that touches a large percentage of the population personally; the 13 million state-licensed drivers have to come to a counter to meet personally with government. "I felt that I would be very visible for the total public, he says, "so that they might begin to view a Chicano in a different light — that a Chicano was not only a person that was qualified to deal with farm or welfare issues."

Sense of urgency

The question lingers as to whether Sillas is a bureaucrat or politico, the answer theoretically being the key to the nature of his future governmental aspirations. Sillas himself rules out future political races. "That's a tough road and I admire anyone who goes into it. But not again. It has been the greatest experience that I have had. It's the best place to get to know people. It's a fascinating game, but it's hard on the individual and the family."

He feels a sense of urgency in his present position. "I

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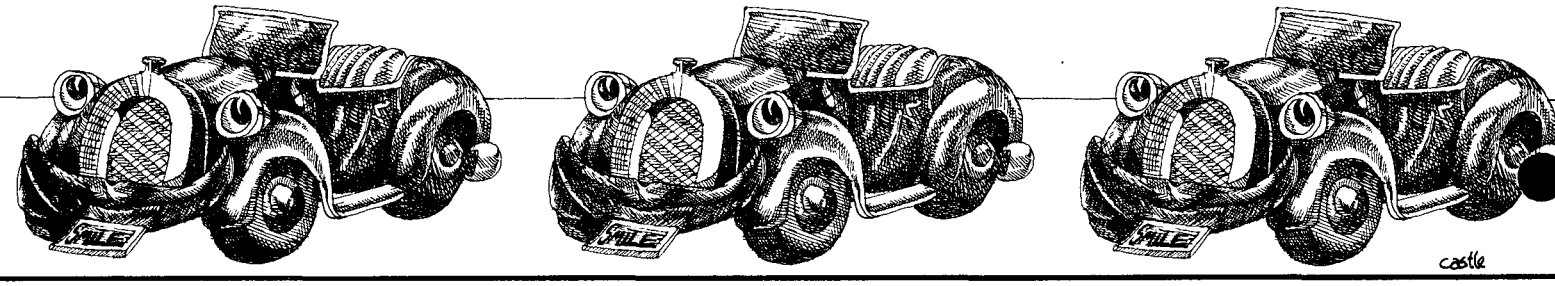

don't know how long I am going to be here. You know the governor can remove you tomorrow. To me, you have to move very quickly." Some of his moves so far:

- *A week after he took the directorship, Sillas threw open the department's doors – literally. The 13 DMV conference rooms at headquarters in Sacramento are now open to the public for meetings, a practice he hopes to expand to the 143 field offices.*
- *He held "open house" at DMV headquarters in Sacramento, with belly-dancers, crafts exhibits, street-entertainers, films and antique and classic car displays drawing nearly 15,000 Californians to the two-building complex.*
- *The grey walls that greet the public as they wait for vehicle registration and license testing are no more, yielding to murals reflecting community culture.*
- *Sillas named as his deputy director Doris Alexis, a long-time DMV employee. She became the first Black woman to hold such a post. It was she who gave the impetus to the first on-the-job child-care center in state service. The center, which opened in July, provides facilities for 55 children at a cost to the using employee of $95 a month. The center is completely self-supporting.*
- *Sillas announced that the top 250 DMV jobs would be filled by female employees the last week of October as a "positive response" to "Alice Doesn't Day", when women workers were asked nationally to walk off their jobs to show their economic muscle.*
- *The director hired a multi-lingual coordinator to oversee translation of the driver's manual and other materials into Korean, Chinese, Japanese and Tagalog. (Spanish-language versions already exist.)*

Sillas would also like to see bilingual employees put closer to the public. "There is no requirement that says you don't get any services unless you speak English," he said. "If these people live in California, then we will have to serve them. It's a matter of safety, really. We have to get to them the message of how to drive an automobile."

Other innovations:

- *Testing of small satellite offices in suburban shopping centers to handle vehicle registration and license renewals.*
- *Saturday field-office openings for greater public convenience.*
- *The "Good Driver Experiment", a testing project to determine if license renewal can, in some cases, be granted without a written examination.*
- *Involvement in the area of testing motorcycles.*
- *Staggered year-round vehicle registration to cut down on the long waiting lines during the traditional annual registration in February.*

Impossible dream?

Sillas would eventually like to see his department handle traffic tickets. "This would make the ticket not a crime but an infraction," he explained. "So rather than clutter the courts you give it to an administrative body. They can prescribe a fine, driving school or suspension of license."

Can Sillas, or anyone, change the DMV "computer bank" image into one of governmental body that cares? He says he wants people to view his department as if it were really theirs. "I'd like for when they see a DMV office they would say, 'There are the people who really care about us.' "

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B. Paid circulation			
1. Sales through dealers and carriers, street vendors and counter sales	284	240	190
2. Mail subscriptions	8,077	6,423	9,152
C. Total paid circulation	8,361	6,663	9,342
D. Free distribution by mail, carriers or other means; samples, complimentary and other free copies	279	131	258
E. Total distribution	8,640	6,794	9,600
F. Copies not distributed			
1. Office use, left-over, unaccounted, spoiled, after printing	860	706	900
2. Returns from news agents	0	0	0
G. Total	9,500	7,500	10,500

I certify that the statements made by me above are correct and complete. THOMAS R. HOEBER, *Publisher*

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DESIRE UNDER THE REDWOODS

North Coast dilemma: to cut or to conserve?

By DIANA PETTY

They are like giant weeds, the majestic redwoods, in their persistent and prolific nature. Hundreds of years before the White man intruded into the groves, lightening destroyed thousands of acres of redwood and scorched out huge hollows in the trunks of others, which nonetheless survived these natural calamities.

Then, White settlers hacked down groves and burned stumps to clear forests for grazing. When seedlings relentlessly reclaimed the soil, the early farms were deserted, their occupants replaced by loggers who supplied timber to growing communities. But the furry-barked trees have defied all attacks, always coming back, sprouting from roots and stumps and through seeds borne to earth in cones.

In a sense, the redwood's most powerful adversary is itself – its shallow root structure, which can fail to buttress it against wind and flood; its ability to proliferate until its own seedlings are choked; its inability to pump sustenance 300 feet into the crown, where its death begins. But man, too, is an awesome adversary.

It is fall, and harvest of California's tallest crop is under way. Loggers are back in the woods after a winter of almost total unemployment, working to the rhythm of chain saws and the whistles of yarding machines. Lumber companies still protest against the tightening of environmental controls on their cutting operations and the state Resources Agency is studying valid concerns behind often invalid assumptions. Loggers still despise "Sierra Clubbers", environmentalists still denounce "forest rapers", and few seem to seek an answer to what role government should play in the future of the timber industry and conservation of forest resources.

Take the controversy that flared earlier this year over environmental-impact-report requirements. Its origin lay in a lawsuit filed against timber companies operating adjacent to Redwood National Park and Redwood Creek in Humboldt and Del Norte counties. The complaint, filed by the Natural Resources Defense Council, charged that logging by Arcata National Corporation, Louisiana-Pacific Corporation and Simpson Timber Company was destroying redwood groves downstream in the park. A Superior Court judge ruled, in the so-called *Broaddus* decision, that the state forester must file environmental impact reports in processing timber-harvest plans before a given project could be begun — which, to the timber interests, meant potential delay.

Old wounds

The ruling came at an awkward moment for the California Division of Forestry, the industry and the fledgling administration of Governor Brown, and it tended to reopen old wounds while ignoring important issues. The Z'berg-Nejedly Forest Practices Act of 1973 had been law for only one year when the *Broaddus* decision was released. The act required that all timber harvest plans for logging projects be resubmitted at the end of 1974. The Division of Forestry was not equipped to handle the extra workload created by the order to file environmental impact reports. Although very little logging normally takes place during winter, the rains had stopped in January and February, and unemployed loggers were eager for work despite full log decks and slow lumber sales. The Brown administration was but 10 days old when Resources Secretary Claire T. Dedrick confronted the problem.

The angry parties were somewhat placated when timber-harvest plans were exempted temporarily from impact-report filing requirements and emergency guidelines and some new-forest practices rules were adopted. No one knows what will happen in January, when temporary solutions run out. In the meantime, the

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Broaddus ruling is being appealed by timber-owners through the California Forest Protective Association, legislation and lawsuits are pending, and loggers still think someone is trying to do them in.

What happens in the timber industry over the next few years will depend on such variables as the demand for timber, the success of reforestation in achieving sustained yield and the outcome of legislative responses to environmental and forest-practices debates.

The rise of corporations

The timber industry is divided into three sectors:

- ***The actual woods operation*** or logging, in which trees are felled, stripped, yarded off slopes and trucked to mills or storage
- ***The mill operation*** or lumbering in which logs are manufactured into boards
- ***Subsidiary operations,*** such as fiberboard, particle board, masonite and planing plants and pulp-and-paper mills.

During the sixties, companies suffered decreases in timber production, mills and log exportation. But as they move toward increased manufacture of particle-type products, they have refined sawmill equipment to produce more and better lumber.

The major change in the industry has been the shift from small, privately owned operations to a corporate structure. Dave Snodderly, director of the California Associated Loggers, believes that the inability of small companies to adjust to governmental regulations has been largely responsible for the shift. Nonetheless, the growth of corporate control was probably unavoidable after most small companies failed to recover from the lumber-market recession of the late fifties and early sixties.

It is impossible to examine the timber industry in California without concentrating on the north coast region and its three predominant timber-producing counties — Humboldt, Mendocino and Del Norte. Not only do these counties produce the greatest proportion of board-feet of lumber, but the majority of sawmills and timber operators also are located there. The economic survival of the north coast today depends on lumbering. And lumbering is dependent upon corporate control of logging and principal plant and mill operations.

The relationship between loggers and this corporate structure is mutually beneficial, as long as woods activities run smoothly. More than 500 independent loggers, with payrolls for 12 to 20 men each, bid for contracts to cut trees in California. Contracts come from government when harvest or stumpage removal is necessary on public lands, from small timber-owners who desire to clear land, make a profit off their timber or sell logs to larger outfits, and from corporations, few of which employ their own loggers. Many independent loggers have invested more than a million dollars in equipment. When the weather is bad or the need for logs and lumber drops, they don't work. Unemployment in February averaged 22 percent among the three coastal counties, and this was directly related to the estimated 60 percent jobless rate in the timber industry; logging unemployment was nearly 100 percent.

Strong policy

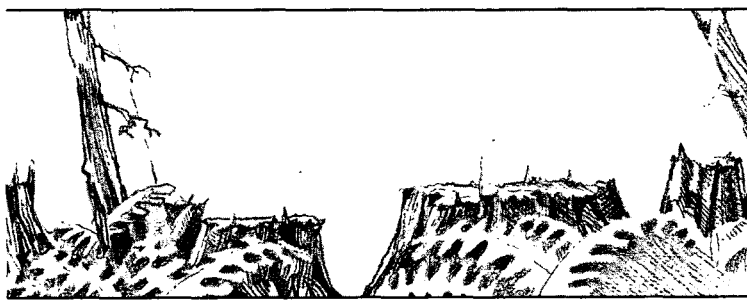
Loggers' worries about their future are justified. Logging jobs in the state decreased from 7,161 in 1956 to 4,202 in 1974, while the average number of jobs in the lumber and wood-products sector as a whole has stabilized at 50,000.

It is to the credit of many loggers that they recognize the benefits of measures protecting the environment. But instead of directing wrath at corporate control of their jobs, many woodsman blame governmental regulations for their problems. While such regulations indisputedly injure loggers more than any other part of the industry, such policies have not caused a major impact on forest activities in the state. Despite enforcement of the law since enactment of the 1945 Forest Practices Act, the timber industry in California was largely unregulated and unrestricted (or self-regulated and self-restricted) until passage of the 1973 act. This new law was a legislative response to the 1971 decision in *Bayside Timber Co.* vs *San Mateo County*. The *Bayside* decision held that the industry was setting forest-practices standards that should be established by the Legislature, and the court declared that to be an unconstitutional delegation of legislative authority.

Forest-practices regulations were in limbo for more than two years until the Z'berg-Nejedly Act took effect in 1974.

Conservationists, resource consultants and members of the industry generally agree that the Forest Practices Act is a strong regulatory policy. John Zierold, lobbyist for the Sierra Club, calls it the toughest act of its kind in the nation. John Callaghan, executive vice president of the California Forest Protective Association, which represents timber-owners, believes it to be adequate in achieving its purpose. Zierold, however, thinks that the rules written by the Board of Forestry to implement the act are too lenient.

The Division of Forestry employs 50 to 60 foresters, who review timber-harvest plans and inspect projects. They approved 2,500 plans during the act's first year. But the act so far apparently has not affected timber activities, aside from the two to three days and paperwork it takes to complete a timber-harvest plan. The major impact of the act, according to Callaghan, has been financial. Logging costs have increased 25 percent, he said (an expenditure that he considers appropriate in many cases). Snodderly and Alan Clark of the Associated



Loggers have blamed such increases for forcing many small operators out of business.

Three principal issues involved in regulation of timber practices are still being debated: control of private land, the legislative intent of the Z'berg-Nejedly Forest Practices Act, and the discretionary power invested in the state forester.

Private land control. The problem of private land control involves legal and philosophical aspects of public benefit versus private property rights. Preservation of resources, or removing them from private ownership, is unprofitable for private enterprise while protection of re-

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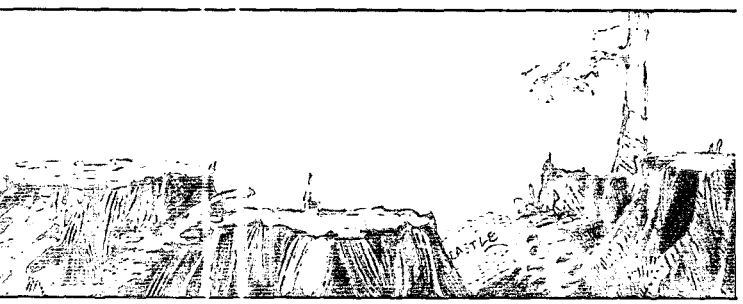
sources can, and often does, encourage economic gain. However, the line separating economic benefit from public benefit is sometimes thin, and protection of the environment can easily infringe on the right of an owner to use property. The timber industry does not believe it should provide a public benefit at its own expense. But environmental regulations enhance timber productivity for large timber owners. It is small owners, with 5 to 50,000 acres of forest land, who are most often injured by such regulations.

Legislative intent. The Z'berg-Nejedly Act says that regulation of timberlands should assure that, "where feasible, the productivity of timberlands is restored, enhanced and maintained" and that "the goal of maximum sustained production of high-quality timber products is achieved, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, fisheries and aesthetic enjoyment." To the industry, this means that timber production must be maintained and that environmental protection should be considered only when consistent with that mandate. Conservationists, on the other hand, believe that the Legislature intended both goals to be given equal emphasis, a view held by Secretary Dedrick.

Discretionary authority. The Board of Forestry was charged with adopting rules and regulations to implement the new act's provisions. These required timber operators to apply for permits and to submit timber-harvest plans for cutting projects to the state forester for review. The state forester may initiate corrective action against timber operators, as he recently did in a lawsuit against Simpson Timber Company, but his authority basically is confined by board specifications. While the timber industry's representatives approve this lack of discretionary authority, Dedrick wants it increased. Resolution of the discretion issue is crucial to resolving current forest-practices disputes, since the *Broaddus* ruling added the filing of environmental impact reports to the state forester's responsibilities. Such a review requires the exercise of professional discretion.

For its part, the Legislature must answer questions



concerning land control and the purpose of the Forest Practices Act. And it must find solutions that avoid future conflict between the provisions of the forest act and the California Environmental Quality Act.

Cutting erosion

Dedrick believes that environmental protection should be built into state law without the imposition of rigid guidelines — an approach that Brown has favored in other areas on the ground that governmental solutions are not complete solutions. Strict enforcement of EIR procedures could "murder the industry", Dedrick said, without actually protecting the environment. And she opposes the duplication of data included in environmental impact reports and timber-harvest plans.

A number of environmental objectives are already contained in Board of Forestry rules. These include protection of spawning grounds, safeguarding wildlife habitats, and restocking cut-over forest to maintain timber production and control soil erosion (perhaps the most important objective). The size of an area to be logged is considered to be a major factor in controlling erosion, and the Board of Forestry has written rules that deal with that factor.

Erosion can destroy future productivity of the land and nearby streams; but the two principal logging techniques — clear-cutting and selective cutting — also erode the soil. Clear-cutting removes every tree and shrub, stripping the ground bare. Its chief harvesting advantage is thus its low cost of execution but it also, obviously, allows for stocking for even growth of new timber and eliminates fire hazards and diseased trees — along with everything else. Selective cutting is a thinning process. Its merits are the freeing of remaining timber from competition for nutrients, the removal of diseased or poor-quality trees, less disturbance to the soil and enhancement of the natural reproduction process. But it is also expensive and requires experienced loggers to avoid damaging the remaining trees.

Neither harvesting technique leaves an aesthetically pleasing forest in its wake. But solutions to forest-practices problems must consider the future of the timber industry in California while providing comprehensive but flexible environmental safeguards so that this renewable resource *is* renewed. This requires an appreciation of the interrelationship that exists in the use of a resource whose possibilities for exploitation are many and sometimes contradictory, and the values relative.

Even experts can't always agree on what causes environmental damage – nature or man. Was it weak roots and high winds that toppled the giant redwood, or erosion caused by upstream logging? Two experts – one a logger, the other a resource consultant – recently had occasion to bemoan the loss of such a tree but disagreed on what had caused it.

Behind them towered the Howard Libbey Tree, said to be the tallest tree in the world, withering needles and browning crown marking it as dying, slowly, from the top.

The author is a free-lance writer based in Sacramento.

California's timber resource

Commercial timberland in California totals 17.4 million acres, 9.3 million of it publicly owned. Of the remaining 8.1 million acres, 4.5 million are owned by large timber interests and 3.6 million by small or medium concerns.

The largest private timber interests, in order of size, are Southern Pacific Land Company, Kimberly-Clark, Louisiana-Pacific, Simpson Timber, Diamond International, Fruit Growers Supply, Georgia-Pacific, Champion International Corporation (U.S. Plywood), American Forest Products, Pacific Lumber, Fiberboard Corporation, Masonite Corporation, Michigan-California Lumber Company and Arcata Redwood.

Redwood accounts for about 1.9 million acres of the state's total commercial timberland. Some 150,000 acres are virgin redwood — never-logged groves preserved in federal or state parks.

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CITIZENS ON THE BEACH

The noble experiment in drafting the coastal plan

By JUDY B. ROSENER

THEY SAY CALIFORNIA IS UNDERGOING A UNIQUE EXPERIMENT!
THE PEOPLE VOTED TO RESOLVE COASTAL MANAGEMENT BY PUBLIC DEBATE AND CONSENSUS BUILDING.
NOW THERE IS AN OPPORTUNITY FOR ALL TO BE INVOLVED IN THE PLANNING PROCESS!
AND IT'S WORKING... DIVERSE PUBLIC OPINIO IS BEING CONSIDERED BY THE PLANNERS

From its inception California's Coastal Zone Conservation Act, approved by the voters in 1972 as Proposition 20, has been a unique experiment. Its intended product — a plan for the use of coastal zone resources — is a first, but the attempt to resolve coastal management conflicts by public debate and consensus-building "out front" has so far been its most striking characteristic. While Governor Brown and the legislators look over the proposed plan for clues to its political, environmental, and economic costs and benefits, primary attention might well be directed to the potential workability of this sort of participatory planning.

Despite doubts that a plan worthy of legislative consideration could be developed by seven regional commissions composed of part-time, unpaid appointed commissioners — doubts expressed by opponents of the act — the job has been done. There *is* a plan, it *is* being finished on time, and it *is* likely to be taken seriously by the Legislature. Although much of the credit for this should go to the state commission's chief planner, Jack Schoop, its executive director, Joe Bodovitz, and the state and regional commission staffs, suggestions and ideas contributed by citizens and groups interested in coastal zone management have added significantly to the development of a plan in the time alloted.

Cast of thousands

Regional and state commissioners and commission headquarters have been flooded from the start with communications from all kinds of individuals and groups. There were ideas scribbled on postcards, suggestions neatly typed for attorneys hired to evaluate elements of the plan, and thick documents detailing specific concerns. While few of those who have participated in the planning process will be completely satisfied with the plan, none can legitimately charge that there was insufficient opportunity to take part in creating it. Thousands of citizens were involved in discussions on the local level where regional plans were developed after technical review by members of interest groups and professionals. More than 1,500 Californians received planning materials, and their comments and reactions to the materials were later solicited. In addition, hundreds of groups and governmental entities sent representatives to testify before one or more of the commissions prior to the writing of the preliminary state plan. Anyone who expressed an interest in an aspect of the plan was placed on a mailing list to receive additional information. More than 15,000 copies of the 400-page preliminary plan were distributed free statewide prior to public hearings, and many other copies were placed in public libraries.

Due in December

The Coastal Plan developed by the Coastal Zone Conservation Commissions is scheduled to be published in December for consideration by the Legislature and the Governor at the start of the 1976 legislative session. The document will contain a proposed "constitution for the coast" and will offer numerous specific recommendations for shoreline areas that public agencies should purchase.

The author is a faculty member of the Graduate School of Administration at the University of California, Irvine, and a public member of the South Coast Regional Coastal Commission.

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What is it about the coastal act that sparked so much citizen interest and participation? Some of the following characteristics of the planning process used may have been responsible:

- Commission proceedings have been visible, commissioners have been accessible, commission files have been open and, where possible, meetings were held at times and places convenient to the most people possible.
- Outside suggestions have been incorporated in the successive drafts of regional and state plan elements.
- Those with a stake in the allocation of coastal zone resources have expressed their concerns and interests, thus generating views and values that might not otherwise have been analyzed.
- Ideological clashes at public hearings attracted press coverage of the planning process that increased citizen awareness of the complexity of the issues.
- Commissioners were insulated from certain kinds of political pressure, allowing for decision-making freedom not always enjoyed by elected officials.
- Since resource-allocation decisions involved, besides market considerations, such planning options as preservation of low-income neighborhoods and a variety of life-styles, new kinds of citizens were drawn into the planning process.
- Because the commission also dealt with implementing the plan, methods of public acquisition of land were a major concern and produced new ideas relating to both acquiring land and financing its acquisition.

Costs and benefits

Is this planning experience relevant to other areas of state concern, such as health, transportation, criminal justice, education, and housing? Or should only "experts" plan? Do the political and financial costs of citizen participation outweigh the benefits? The question of costs — $2.5 million annually is spent by the seven commissions — is a legitimate one. But so is the question of benefits. How do we measure the fact that hard-hats and environmentalists, lawyers and surfers, the rich and the poor, the young and the old, resource-owners and resource-users all were drawn into a public arena where they had to talk *to* each other rather than *about* each other? How do we measure the fact that local governmental officials have begun to reassess values and priorities in a time of rapidly changing attitudes concerning the use of coastal resources?

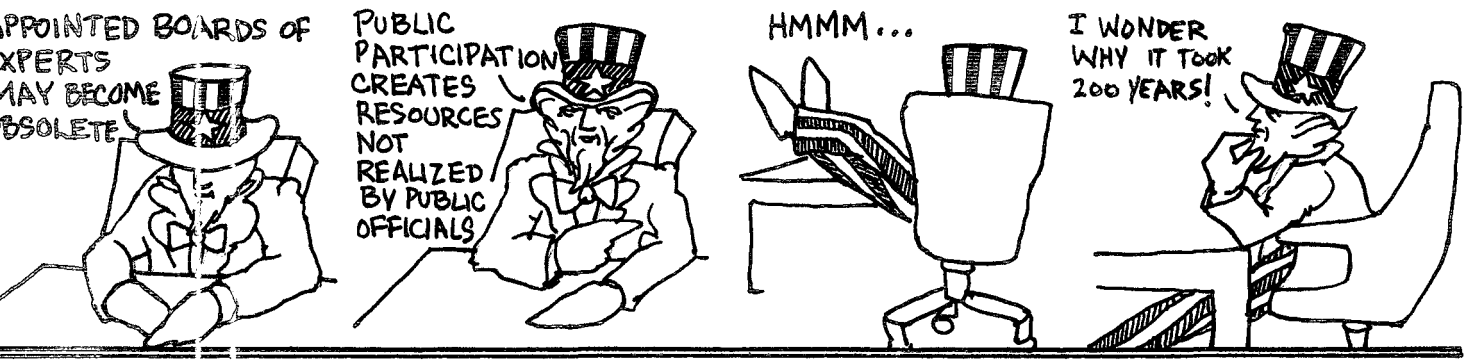
Is it enough to price out the Coastal Plan in terms of only the obvious costs of land acquisition? What of these values, hard as they are to price.

- The value of having citizens informed about planning decisions *before* the decisions were made.
- The value of having groups of people traditionally locked out of land-use decision-making learn to ask hard questions, articulate their demands, and, when all else fails, go to court.
- The value of the plan's reflection of the variety of interests and attitudes found in the electorate.

Federal requirement

The Federal Coastal Zone Management Act of 1972 clearly states that evaluation of state programs will *concentrate on the adequacy of the state processes for dealing with key coastal zone issues, and not the wisdom of specific land- and water-use decisions.* Since the federal act provides for the awarding of funds for use in coastal zone management, it is important to note that the *process* will in large part determine the funding of California coastal planning activities. Only if a state's planning processes are fair will the efforts be eligible to be considered for federal funds.

One important lesson learned through Proposition 20 has been that while public participation may produce conflict and be time consuming it also generates ideas and staff support that are rarely available to public officials. The Coastal Plan stands as evidence that citizens can work with public officials and professionals and also contribute to solving complex problems. That taste of participation in planning in a time of widespread distrust of government may well be the most valuable benefit of all.



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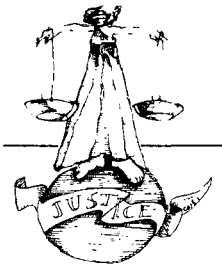


Coughing up the evidence

Narcotics agents had obtained a warrant to conduct a search of Rita Bracamonte's car and residence in Fresno. When the agents approached her, she swallowed several objects. Bracamonte was taken to a hospital, where a rubber tube was inserted through one of her nostrils while she was held on a table. After a struggle, she agreed to drink an emetic solution rather than have it forced through the tube. Shortly thereafter, she regurgitated seven balloons containing heroin. The attending physician said he assumed that the search warrant authorized him to use an emetic. Bracamonte, subsequently convicted of possession of heroin, appealed that ruling.

In a unanimous decision, written by Chief Justice Donald R. Wright, the state Supreme Court ruled that the use of an emetic to obtain evidence constitutes unreasonable search and seizure under both the state and federal constitutions. An emetic might be used in some situations but not in this case because Bracamonte did not consent to it, there was no medical emergency threatening her life and the search could not be justified as stemming from a lawful arrest.

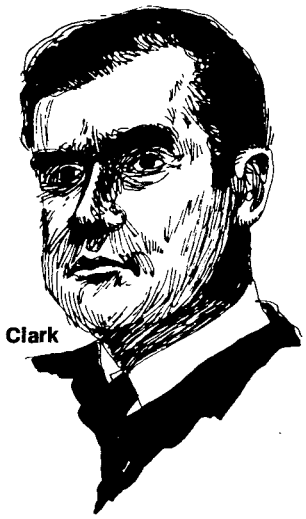
The court concluded, in *People* v. *Bracamonte*: "Our decision today is not meant to lend approval to [Bracamonte's] attempt to conceal or destroy evidence. We simply recognize that the integrity of an individual's person is a cherished value of our society."

Telling both sides

The Supreme Court has ruled that a prosecutor seeking a criminal indictment from a grand jury must present evidence tending to show innocence as well as guilt. The court said that the role of the jury is to provide "a protective bulwark standing solidly between the ordinary citizen and an overzealous prosecutor."

In *Johnson* v. *Superior Court,* charges against Lowell Johnson for sale of drugs in San Joaquin County had been dismissed by a magistrate following a preliminary hearing. The key evidence apparently was Johnson's courtroom testimony. The district attorney then obtained a grand-jury indictment without informing the jurors of Johnson's prior testimony. This evidence tending to "explain away" criminal charges must be presented, the court held.

Justice Clark wrote the opinion for the court, joined by McComb, Tobriner, Sullivan and retired Justice Louis Burke (sitting on assignment). Tobriner also wrote a separate opinion challenging the entire grand-jury system. And Mosk and Wright submitted a concurring opinion urging the court to provide every indicted defendant a post-indictment preliminary hearing as a matter of right.


Clark

Binding memo

In a 6-1 decision, the Supreme Court ruled that an agreement between a public-employee organization and a management representative is binding upon both sides once ratified by the governing board of the local public entity. The opinion involved a memorandum of understanding negotiated by the Glendale City Employees' Association and a city representative and later approved by the City Council. The agreement contained a survey formula based on salaries in other cities and counties. But the council subsequently enacted an ordinance that did not comply with the agreement.

In *Glendale City Employees' Association* v. *City of Glendale,* the high court upheld a trial-court finding that the memorandum was binding under terms of the Meyers-Milias-Brown Act governing local-government labor relations. The court rejected the contention that the city could unilaterally interpret the memorandum and impose what it considered to be a reasonable interpretation of the document.

The decision was written by Justice Mathew O. Tobriner, joined by Wright, and Justices Marshall McComb, Raymond Sullivan, William P. Clark Jr. and Frank Richardson. Justice Stanley Mosk wrote a concurring and dissenting opinion stating that the majority had, in effect, ordered the Glendale council to enact an ordinance. He said the city should have honored an obligation but could not be compelled to do so by a court. "I, for one, am unwilling to embark upon a murky project of ordering legislative members to adopt an ordinance," he wrote, "no matter how desirable I may believe the ordinance to be."

After the conspiracy

Donald Leach and Lorraine Kramer were convicted in Los Angeles County for the murder of Lorraine's father, Howard Kramer. law-enforcement officers showed that Lorraine had planned the murder and had enlisted Leach and others to help. Several months after the killing, Leach described to a cellmate how the murder occurred. About the same time, Lorraine Kramer and her mother made a series of incriminating statements about the killing to undercover officers.

At the joint trial in *People* v. *Leach et al,* the prosecution was allowed to introduce testimony of Leach's cellmate and the undercover officers concerning the conversations with the defendants. On appeal to the state Supreme Court, the defense contended that the incriminating conversations were hearsay and therefore inadmissible.

The court found that incriminating statements made by one criminal conspirator are not admissible against another alleged conspirator unless the statements are made during the conspiracy. In the Leach case, the court found that the evidence should not have been admitted. Nonetheless, the convictions were upheld in light of overwhelming evidence of guilt.

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A WASHINGTON PERSPECTIVE...

By MARTIN SALDITCH

No hurry to take sides

"I'm not excited by any of these guys," explained one Democratic congressman from California regarding his aloofness from presidential candidates. The dominant mood of the California delegation in Congress is decidedly wait-and-see before getting involved in either of the major presidential primaries next year. There seems little inclination to follow the recent examples of state Treasurer Jesse Unruh to head the California campaign of Senator Henry Jackson or of state Energy Commissioner Bob Moretti to do likewise for Senator Birch Bayh.

California Senators John V. Tunney and Alan Cranston have decided to stay uncommitted on presidential candidates until the Democratic National Convention picks the nominee at the July convention in New York City. Tunney, who got burned by his early endorsement of Senator Ed Muskie in the 1972 primaries, is not taking the chance of backing a loser — or even a winner — this time. He is concentrating on his own 1976 reelection campaign, although polls indicate that no potent challenger has yet surfaced to unseat him. The more politically cautious Cranston is repeating his neutral stance of 1972, this time on the ground that his recent selection as credentials committee chairman of the Democratic convention requires it.

* * *

The 28 Democrats and 15 Republicans in California's House delegation, all up for reelection next year, also seem more interested in self-survival than getting involved in presidential politics. Representative Mark Hannaford, who won his first term last year by a 3 percent margin, commented: "When your victory margin is so close, you have to be careful. A presidential primary endorsement could alienate key votes in my congressional reelection race." Although the former Lakewood mayor particularly likes presidential hopefuls Representative Mo Udall, Senator Hubert Humphrey and Bayh, he is not ready to endorse any of them. "I can't do it, but I wish someone would help crystalize support to clarify the situation," he remarked.

Representative George E. Brown Jr. has endorsed his colleague, Udall, but has not yet assumed an active role in his campaign. "I'll be available for appearances if he needs me," Brown said.

House Democratic caucus chairman Phillip Burton, perhaps the most influential politican in the California House delegation, has not yet endorsed any of the presidential candidates. Although Burton says he just wants to concentrate on his House leadership duties, observers speculate that he is more interested in lining up votes for a possible opening in the House Democratic floor leader position next session. The present floor leader, Thomas P. O'Neill Jr. of Massachusetts, is expected to move up to House speaker if Carl Albert retires at the end of 1976. Another Californian, House Democratic Whip John McFall of Manteca, also wants to succeed O'Neill, and so does veteran Representative Richard Bolling of Missouri.

Phil's younger brother, Representative John Burton, who recently served as state Democratic Party chairman, is also staying clear of presidential contenders for now. "I'm tired of presidential politics after 1968 (when he backed former Senator McCarthy) and 1972 (when he campaigned for Senator McGovern)," said John Burton. "I'm waiting to see how the field narrows down by the California primary in June." Regarding the general lassitude among his fellow lawmakers toward endorsing presidential candidates, Burton points out that no overriding issues separate the contenders this year as the Vietnam war did in 1968 and 1972. "It's more a question of personality and win-ability," he observed. "And guys are more cautious about making an early choice after LBJ took a duck in 1968, and Muskie failed in 1972."

* * *

On the Republican side, there is also reluctance to get involved in what is expected to be a bitter California primary between President Ford and former Governor Ronald Reagan for the GOP nomination. Representative Bob Wilson of San Diego, dean of the California Republicans in the House, has joined the Ford campaign effort, but most others are staying away from the firing line. This includes Representative Barry Goldwater Jr. of Burbank, who is among those considering running for Tunney's Senate seat next year.

Representative Clair W. Burgener, a San Diego conservative with a safe seat, is not so much concerned with his own reelection as influencing Ford to substitute Reagan for Nelson Rockefeller as the vice-presidential nominee. "I figure I can exert more influence by holding back on endorsing Ford," Burgener explained. But some colleagues in more vulnerable districts don't want to get involved in a Ford-Reagan battle.

A Democratic congressman summed up the general feeling on both sides regarding White House contenders: "Most politicians have more to lose than gain by an early endorsement."

Martin Salditch covers Washington for the Riverside Press-Enterprise. *Lou Cannon plans to resume his column next month.*

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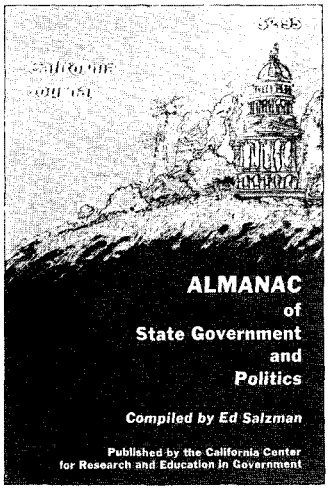
Who's Who and What's What in California . . .

Who was chief justice of the state supreme court in 1924? • *Who were the defeated candidates in last year's election – and by how much did they lose?* • *What was the total state budget in 1952?* • *What are the boundaries and characteristics on the 33rd state Senate district?* • *Who is the director of the state Department of Water Resources?*

The answers to all these questions — and thousands more — can be found in only one book — the *California Journal Almanac of State Government and Politics*. Copies of the *Almanac,* published for the first time this year, are still available. But the supply is extremely limited. Libraries, businesses, governmental agencies and citizens interested in California government and politics should order the *Almanac* now to avoid being disappointed.



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Biographies, committee assignments, seniority and voting patterns of Californians in Congress, apportionment maps and district descriptions

Elections
Results of the 1974 election and subsequent special elections, how California has voted over the years

Finance
Budgets over the years, state tax rates, salaries of officials

Higher education
Who runs what in the University of California, State University and Colleges, and Community Colleges

Population
How California has grown, city and county data

Political Reform Act of 1974

Elected officials of other states

Authority inevitably seems to breed arrogance. When you combine those two with ignorance, the results are dangerous.

— Malcolm Forbes

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